SCHEDULES

SCHEDULE 1

Section 1.

AMENDMENTS OF THE FOOTBALL SPECTATORS ACT 1989

1 The [M1]Football Spectators Act 1989 is amended as follows.

Marginal Citations
M1 1989 c. 37.

2 For section 14 (and the preceding cross-headings) and sections 15 to 17 there is substituted—

"PART II

REGULATED FOOTBALL MATCHES

Preliminary

14 Main definitions.

(1) This section applies for the purposes of this Part.

(2) "Regulated football match" means an association football match (whether in England and Wales or elsewhere) which is a prescribed match or a match of a prescribed description.

(3) "External tournament" means a football competition which includes regulated football matches outside England and Wales.

(4) "Banning order" means an order made by the court under this Part which—
- (a) in relation to regulated football matches in England and Wales, prohibits the person who is subject to the order from entering any premises for the purpose of attending such matches, and
- (b) in relation to regulated football matches outside England and Wales, requires that person to report at a police station in accordance with this Part.

(5) "Control period", in relation to a regulated football match outside England and Wales, means the period—
- (a) beginning five days before the day of the match, and
- (b) ending when the match is finished or cancelled.

(6) "Control period", in relation to an external tournament, means any period described in an order made by the Secretary of State—

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(a) beginning five days before the day of the first football match outside England and Wales which is included in the tournament, and

(b) ending when the last football match outside England and Wales which is included in the tournament is finished or cancelled,

but, for the purposes of paragraph (a), any football match included in the qualifying or pre-qualifying stages of the tournament is to be left out of account.

(7) References to football matches are to football matches played or intended to be played.

(8) "Relevant offence" means an offence to which Schedule 1 to this Act applies.

Banning orders

14A Banning orders made on conviction of an offence.

(1) This section applies where a person (the "offender") is convicted of a relevant offence.

(2) If the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches, it must make such an order in respect of the offender.

(3) If the court is not so satisfied, it must in open court state that fact and give its reasons.

(4) A banning order may only be made under this section—

(a) in addition to a sentence imposed in respect of the relevant offence, or

(b) in addition to an order discharging him conditionally.

(5) A banning order may be made as mentioned in subsection (4)(b) above in spite of anything in sections 12 and 14 of the Powers of the Criminal Courts (Sentencing) Act 2000 (which relate to orders discharging a person absolutely or conditionally and their effect).

(6) In this section, "the court" in relation to an offender means—

(a) the court by or before which he is convicted of the relevant offence, or

(b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court.

14B Banning orders made on a complaint.

(1) An application for a banning order in respect of any person may be made by the chief officer of police for the area in which the person resides or appears to reside, if it appears to the officer that the condition in subsection (2) below is met.

(2) That condition is that the respondent has at any time caused or contributed to any violence or disorder in the United Kingdom or elsewhere.

(3) The application is to be made by complaint to a magistrates' court.

(4) If—

(a) it is proved on the application that the condition in subsection (2) above is met, and

(b) the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches,

the court must make a banning order in respect of the respondent.

14C Banning orders: supplementary.

(1) In this Part, "violence" means violence against persons or property and includes threatening violence and doing anything which endangers the life of any person.

(2) In this Part, "disorder" includes—

(a) stirring up hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins, or against an individual as a member of such a group,

(b) using threatening, abusive or insulting words or behaviour or disorderly behaviour,

(c) displaying any writing or other thing which is threatening, abusive or insulting.

(3) In this Part, "violence" and "disorder" are not limited to violence or disorder in connection with football.

(4) The magistrates' court may take into account the following matters (among others), so far as they consider it appropriate to do so, in determining whether to make an order under section 14B above—

(a) any decision of a court or tribunal outside the United Kingdom,

(b) deportation or exclusion from a country outside the United Kingdom,

(c) removal or exclusion from premises used for playing football matches, whether in the United Kingdom or elsewhere,

(d) conduct recorded on video or by any other means.

(5) In determining whether to make such an order—

(a) the magistrates' court may not take into account anything done by the respondent before the beginning of the period of ten years ending with the application under section 14B(1) above, except circumstances ancillary to a conviction,

(b) before taking into account any conviction for a relevant offence, where a court made a statement under section 14A(3) above (or section 15(2A) below or section 30(3) of the [M2]Public Order Act 1986), the magistrates' court must consider the reasons given in the statement,

and in this subsection "circumstances ancillary to a conviction" has the same meaning as it has for the purposes of section 4 of the [M3]Rehabilitation of Offenders Act 1974 (effect of rehabilitation).

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(6) Subsection (5) does not prejudice anything in the [M4]Rehabilitation of Offenders Act 1974.

14D Banning orders made on a complaint: appeals.

(1) An appeal lies to the Crown Court against the making by a magistrates' court of a banning order under section 14B above.

(2) On the appeal the Crown Court—
  (a) may make any orders necessary to give effect to its determination of the appeal, and
  (b) may also make any incidental or consequential orders which appear to it to be just.

(3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) is to be treated for the purposes of this Part as if it were an order of the magistrates' court from which the appeal was brought.

14E Banning orders: general.

(1) On making a banning order, a court must in ordinary language explain its effect to the person subject to the order.

(2) A banning order must require the person subject to the order to report initially at a police station in England and Wales specified in the order within the period of five days beginning with the day on which the order is made.

(3) A banning order must, unless it appears to the court that there are exceptional circumstances, impose a requirement as to the surrender in accordance with this Part, in connection with regulated football matches outside the United Kingdom, of the passport of the person subject to the order.

(4) If it appears to the court that there are such circumstances, it must in open court state what they are.

(5) In the case of a person detained in legal custody—
  (a) the requirement under this section to report at a police station, and
  (b) any requirement imposed under section 19 below,

  is suspended until his release from custody.

(6) If—
  (a) he is released from custody more than five days before the expiry of the period for which the order has effect, and
  (b) he was precluded by his being in custody from reporting initially,

  the order is to have effect as if it required him to report initially at the police station specified in the order within the period of five days beginning with the date of his release.

14F Period of banning orders.

(1) Subject to the following provisions of this Part, a banning order has effect for a period beginning with the day on which the order is made.

(2) The period must not be longer than the maximum or shorter than the minimum.

(3) Where the order is made under section 14A above in addition to a sentence of imprisonment taking immediate effect, the maximum is ten years and the minimum is six years; and in this subsection "imprisonment" includes any form of detention.

(4) In any other case where the order is made under section 14A above, the maximum is five years and the minimum is three years.

(5) Where the order is made under section 14B above, the maximum is three years and the minimum is two years.

14G Additional requirements of orders.

(1) A banning order may, if the court making the order thinks fit, impose additional requirements on the person subject to the order in relation to any regulated football matches.

(2) The court by which a banning order was made may, on an application made by—

(a) the person subject to the order, or

(b) the person who applied for the order or who was the prosecutor in relation to the order,

vary the order so as to impose, replace or omit any such requirements.

(3) In the case of a banning order made by a magistrates' court, the reference in subsection (2) 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.

14H Termination of orders.

(1) If a banning order has had effect for at least two-thirds of the period determined under section 14F above, the person subject to the order may apply to the court by which it was made to terminate it.

(2) On the application, the court may by order terminate the banning order as from a specified date or refuse the application.

(3) In exercising its powers under subsection (2) above, the court must have regard to the person's character, his conduct since the banning order was made, the nature of the offence or conduct which led to it and any other circumstances which appear to it to be relevant.

(4) Where an application under subsection (1) above in respect of a banning order is refused, no further application in respect of the order may be made within the period of six months beginning with the day of the refusal.

(5) The court may order the applicant to pay all or any part of the costs of an application under this section.

(6) In the case of a banning 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.

Changes to legislation: *There are currently no known outstanding effects for the Football (Disorder) Act 2000, SCHEDULE 1. (See end of Document for details)*

14J Offences.

(1) A person subject to a banning order who fails to comply with—

(a) any requirement imposed by the order, or

(b) any requirement imposed under section 19(2B) or (2C) below,

is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both."

Marginal Citations

M2 1986 c. 64.

M3 1974 c. 53.

M4 1974 c. 53.

3 (1) Section 19 (functions of enforcing authority etc.) is amended as follows.

(2) For the words from "international" in subsection (2) to the end of subsection (4) there is substituted—

"the banning order, so far as relating to regulated football matches outside England and Wales.

(2A) If, in connection with any regulated football match outside England and Wales, the enforcing authority is of the opinion that requiring any person subject to a banning order to report is necessary or expedient in order to reduce the likelihood of violence or disorder at or in connection with the match, the authority must give him a notice in writing under subsection (2B) below.

(2B) The notice must require that person—

(a) to report at a police station specified in the notice at the time, or between the times, specified in the notice,

(b) if the match is outside the United Kingdom and the order imposes a requirement as to the surrender by him of his passport, to surrender his passport at a police station specified in the notice at the time, or between the times, specified in the notice,

and may require him to comply with any additional requirements of the order in the manner specified in the notice.

(2C) In the case of any regulated football match, the enforcing authority may by notice in writing require any person subject to a banning order to comply with any additional requirements of the order in the manner specified in the notice.

(2D) The enforcing authority may establish criteria for determining whether any requirement under subsection (2B) or (2C) above ought to be imposed on any person or any class of person.

(2E) A notice under this section—

(a) may not require the person subject to the order to report except in the control period in relation to a regulated football match outside England and Wales or an external tournament,

(b) may not require him to surrender his passport except in the control period in relation to a regulated football match outside the United Kingdom or an external tournament which includes such matches.

(2F) Where a notice under this section requires the person subject to the order to surrender his passport, the passport must be returned to him as soon as reasonably practicable after the end of the control period in question."

4 After section 21 there is inserted—

"**21A Summary measures: detention.**

(1) This section and section 21B below apply during any control period in relation to a regulated football match outside England and Wales or an external tournament if a constable in uniform—

(a) has reasonable grounds for suspecting that the condition in section 14B(2) above is met in the case of a person present before him, and

(b) has reasonable grounds to believe that making a banning order in his case would help to prevent violence or disorder at or in connection with any regulated football matches.

(2) The constable may detain the person in his custody (whether there or elsewhere) until he has decided whether or not to issue a notice under section 21B below, and shall give the person his reasons for detaining him in writing.

This is without prejudice to any power of the constable apart from this section to arrest the person.

(3) A person may not be detained under subsection (2) above for more than four hours or, with the authority of an officer of at least the rank of inspector, six hours.

(4) A person who has been detained under subsection (2) above may only be further detained under that subsection in the same control period in reliance on information which was not available to the constable who previously detained him; and a person on whom a notice has been served under section 21B(2) below may not be detained under subsection (2) above in the same control period.

21B Summary measures: reference to a court.

(1) A constable in uniform may exercise the power in subsection (2) below if authorised to do so by an officer of at least the rank of inspector.

(2) The constable may give the person a notice in writing requiring him—

(a) to appear before a magistrates' court at a time, or between the times, specified in the notice,

(b) not to leave England and Wales before that time (or the later of those times), and

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(c) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to the constable,

and stating the grounds referred to in section 21A(1) above.

(3) The times for appearance before the magistrates' court must be within the period of 24 hours beginning with—

(a) the giving of the notice, or

(b) the person's detention under section 21A(2) above,

whichever is the earlier.

(4) For the purposes of section 14B above, the notice is to be treated as an application for a banning order made by complaint by the constable to the court in question and subsection (1) of that section is to have effect as if the references to the chief officer of police for the area in which the person resides or appears to reside were references to that constable.

(5) A constable may arrest a person to whom he is giving such a notice if he has reasonable grounds to believe that it is necessary to do so in order to secure that the person complies with the notice.

(6) Any passport surrendered by a person under this section must be returned to him in accordance with directions given by the court.

21C Summary measures: supplementary

(1) The powers conferred by sections 21A and 21B above may only be exercised in relation to a person who is a British citizen.

(2) A person who fails to comply with a notice given to him under section 21B above is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.

(3) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court as required by the notice (whether under arrest or not), the court may remand him.

(4) A person who, by virtue of subsection (3) above, is remanded on bail under section 128 of the [M5]Magistrates' Courts Act 1980 may be required by the conditions of his bail—

(a) not to leave England and Wales before his appearance before the court, and

(b) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.

21D Summary measures: compensation.

(1) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court and the court refuses the application for a banning order in respect of him, it may order compensation to be paid to him out of central funds if it is satisfied—

(a) that the notice should not have been given,

(b) that he has suffered loss as a result of the giving of the notice, and

(c) that, having regard to all the circumstances, it is appropriate to order the payment of compensation in respect of that loss.

(2) An appeal lies to the Crown Court against any refusal by a magistrates' court to order the payment of compensation under subsection (1) above.

(3) The compensation to be paid by order of the magistrates' court under subsection (1) above or by order of the Crown Court on an appeal under subsection (2) above shall not exceed £5,000 (but no appeal may be made under subsection (2) in respect of the amount of compensation awarded).

(4) If it appears to the Secretary of State that there has been a change in the value of money since the coming into force of this section or, as the case may be, the last occasion when the power conferred by this subsection was exercised, he may by order substitute for the amount specified in subsection (3) above such other amount as appears to him to be justified by the change.

(5) In this section, "central funds" has the same meaning as in enactments providing for the payment of costs."

Marginal Citations

M5 1980 c.43.

5 For Schedule 1 (relevant offences) there is substituted—

"SCHEDULE 1

OFFENCES

1 This Schedule applies to the following offences:

(a) any offence under section 2(1), 5(7), 14J(1) or 21C(2) of this Act,

(b) any offence under section 2 or 2A of the [M6]Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol, containers and fireworks) committed by the accused at any football match to which this Schedule applies or while entering or trying to enter the ground,

(c) any offence under section 5 of the [M7]Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

(d) any offence involving the use or threat of violence by the accused towards another person committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

(e) any offence involving the use or threat of violence towards property committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

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(f) any offence involving the use, carrying or possession of an offensive weapon or a firearm committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

(g) any offence under section 12 of the [M8]Licensing Act 1872 (persons found drunk in public places, etc.) of being found drunk in a highway or other public place committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(h) any offence under section 91(1) of the [M9]Criminal Justice Act 1967 (disorderly behaviour while drunk in a public place) committed in a highway or other public place while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(j) any offence under section 1 of the [M10]Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol on coaches or trains to or from sporting events) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(k) any offence under section 5 of the [M11]Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(l) any offence under section 4 or 5 of the [M12]Road Traffic Act 1988 (driving etc. when under the influence of drink or drugs or with an alcohol concentration above the prescribed limit) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(m) any offence involving the use or threat of violence by the accused towards another person committed while one or each of them was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(n) any offence involving the use or threat of violence towards property committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(o) any offence involving the use, carrying or possession of an offensive weapon or a firearm committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(p) any offence under the [M13]Football (Offences) Act 1991,

(q) any offence under section 5 of the [M14]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 (k) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, 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,

(r) any offence involving the use or threat of violence by the accused towards another person—

(i) which does not fall within paragraph (d) or (m) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, 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,

(s) any offence involving the use or threat of violence towards property—

(i) which does not fall within paragraph (e) or (n) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, 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,

(t) any offence involving the use, carrying or possession of an offensive weapon or a firearm—

(i) which does not fall within paragraph (f) or (o) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, 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.

(u) any offence under section 166 of the [M15]Criminal Justice and Public Order Act 1994 (sale of tickets by unauthorised persons) which relates to tickets for a football match.

2 Any reference to an offence in paragraph 1 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.

3 For the purposes of paragraphs 1(g) to (o) above—

(a) a person may be regarded as having been on a journey to or from a football match to which this Schedule applies whether or not he attended or intended to attend the match, and

(b) a person's journey includes breaks (including overnight breaks).

4 In this Schedule, "football match" means a match which is a regulated football match for the purposes of Part II of this Act.

(2) Section 1(8) and (8A) above apply for the interpretation of references to periods relevant to football matches."

Marginal Citations

M6 1985 c. 57.
M7 1986 c. 64.
M8 1872 c. 94.
M9 1967 c. 80.
M10 1985 c. 57.
M11 1986 c. 64.
M12 1988 c. 52.
M13 1991 c. 19.
M14 1986 c. 64.
M15 1994 c. 33.

Changes to legislation:
There are currently no known outstanding effects for the Football (Disorder) Act 2000, SCHEDULE 1.