***Changes to legislation:** There are currently no known outstanding effects for the Football (Disorder) Act 2000, Paragraph 2. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

AMENDMENTS OF THE FOOTBALL SPECTATORS ACT 1989

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—

(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,

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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 [M1]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 [M2]Rehabilitation of Offenders Act 1974 (effect of rehabilitation).

(6) Subsection (5) does not prejudice anything in the [M3]Rehabilitation of Offenders Act 1974.

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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.

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

M1 1986 c. 64.

M2 1974 c. 53.

M3 1974 c. 53.

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