

1990 No. 992

SPORTS GROUNDS AND SPORTING EVENTS

The Football Spectators (Corresponding Offences in Italy) Order 1990

<i>Made - - - -</i>	<i>1st May 1990</i>
<i>Laid before Parliament</i>	<i>9th May 1990</i>
<i>Coming into force</i>	<i>1st June 1990</i>

At the Court at Buckingham Palace, the 1st day of May 1990

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty that the offences under the law of Italy described in Schedule 1 to this Order correspond to offences specified in Schedule 1 to the Football Spectators Act 1989(a);

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 22(1) of the Football Spectators Act 1989(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Football Spectators (Corresponding Offences in Italy) Order 1990 and shall come into force on 1st June 1990.

(2) In this Order “the 1989 Act” means the Football Spectators Act 1989.

2.—(1) The offences under the law of Italy which are described in Schedule 1 to this Order are hereby specified as offences corresponding to the offences specified in Schedule 1 to the 1989 Act.

(2) In Schedule 1 to this Order —

(a) the expression “period relevant to” shall be construed in accordance with section 1(8) of the 1989 Act, and

(b) “specified football match” means any association football match played in Italy involving a team which represents either —

(i) a country or territory, or

(ii) a club from England or Wales which is, at the time the match is played, a member (whether a full or associate member) of the Football League.

3. The Ministry of Grace and Justice (Ministero di Grazia e Giustizia) is hereby specified as the authority in Italy which is to certify the conviction of a person there of an offence specified in Schedule 1 to this Order, the nature and circumstances of the offence and whether or not the conviction is the subject of proceedings there questioning it.

4. The form of the certificate certifying the matters referred to in article 3 above is hereby prescribed in Schedule 2 to this Order.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE 1

Article 2

OFFENCES UNDER THE LAW OF ITALY CORRESPONDING TO OFFENCES IN SCHEDULE 1 TO THE 1989 ACT

1. Any offence of being found in a state of obvious drunkenness in a public place or one open to the public committed by the accused at any specified football match or while entering or trying to enter the ground.
2. Any offence involving the use or threat of violence by the accused towards another person committed during a period relevant to a specified football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises.
3. Any offence involving the use or threat of violence towards property committed during a period relevant to a specified football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises.
4. Any offence of being found in a state of obvious drunkenness in a public place or one open to the public committed while the accused was on a journey to or from a specified football match, being an offence which related to football matches.
5. 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 specified football match being an offence which related to football matches.
6. Any offence involving the use or threat of violence towards property committed while the accused was on a journey to or from a specified football match being an offence which related to football matches.

SCHEDULE 2

Article 4

FORM OF CERTIFICATE IN ITALIAN TO BE GIVEN BY THE ITALIAN MINISTRY OF GRACE AND JUSTICE TO CERTIFY THE CONVICTION OF A PERSON IN ITALY OF AN OFFENCE SPECIFIED IN SCHEDULE 1 TO THE FOOTBALL SPECTATORS (CORRESPONDING OFFENCES IN ITALY) ORDER 1990

Tipo di attestazione da consegnarsi al Ministero di Grazia e Giustizia per certificare la condanna comminata in Italia ad una persona colpevole di un reato descritto nell'Allegato I del "Football Spectators (Corresponding Offences in Italy) Order 1990".

Il sottoscritto [*inserire il nome*], [*specificare la carica ricoperta*] presso il Ministero di Grazia e Giustizia, con la presente certifica quanto segue:

- (a) [*inserire il nome e, se e' noto, l'indirizzo e data di nascita della persona dichiarata colpevole*] il o [*inserire la data della condanna*] fu condannato da [*specificare da quale corte*] per il reato di [*specificare quale tipo di reato e (quando e' pertinente) la norma violata*] e condannato a [*specificare il tipo di pena comminata*];
- (b) il reato e' stato commesso -

*cancellare **(i) durante l'incontro di calcio a [inserire il nome della localita' dove ha avuto luogo cio' che non lo incontro] il [inserire data], trattandosi di una partita che si e' svolta fra [inserire i nomi delle squadre], nelle seguenti circostanze [descrivere le circostanze nelle quali fu commesso il reato]; o*

- * (ii) mentre **[entrava] * [cercava di entrare]* nel complesso in cui si trova il campo di calcio a *[inserire il nome della localita' nel quale si e' svolto l'incontro]* il *[inserire la data]*, trattandosi di un incontro fra *[inserire i nomi delle squadre]* nelle seguenti circostanze *[descrivere le circostanze nella quali e' stato commesso il reato]*; o
 - * (iii) alle ore *[specificare l'ora in cui il reato e' stato commesso]*, che e' un orario che si puo' collegare con l'incontro calcistico svoltosi a *[inserire il nome della localita' dove ebbe luogo l'incontro]*, trattandosi di una partita tra *[inserire i nomi delle squadre]*, in quanto -
 - * *[l'incontro inizio' alle ore.], o*
 - * *[secondo quanto in precedenza annunciato l'incontro doveva aver luogo alle ore.], o*
 - * *[l'ingresso degli spettatori allo stadio ha avuto inizio alle ore.], o*
 - * *[l'incontro e' terminato alle ore.], o*
 - * *[nonostante l'inizio dell'incontro fosse stato posticipato, secondo quanto in precedenza annunciato avrebbe dovuto avere luogo alle ore.], o*
 - * *[nonostante l'incontro non abbia piu' avuto luogo, l'inizio era stato annunciato per le ore.], o*
a [inserire il nome o la descrizione dei luoghi dove il reato fu commesso e, se l'imputato si trovava, o stava entrando o uscendo o cercando di entrare o di uscire da tali luoghi] nelle seguenti circostanze [descrivere in quali circostanze il reato fu commesso]; o
 - * (iv) mentre l'imputato si trovava in viaggio **[verso] a [da]* l'incontro di calcio a *[inserire il nome della localita' nella quale si svolgeva l'incontro]* il *[inserire la data]*, trattandosi di un incontro che si svolgeva fra *[inserire i nomi delle squadre]*, il reato era di tale natura da poterlo mettere in relazione a incontri di calcio e fu commesso nelle seguenti circostanze *[descrivere in quali circostanze il reato fu commesso]*;
- (c) la condanna -
- * (i) non e' soggetta ad alcuna impugnazione; o
 - * (ii) e' stata impugnata davanti ad una corte italiana ed il risultato finale di tali impugnazioni e' stato il seguente *[descrivere i risultati]*;
- (d) le informazioni di cui sopra sono veritiere per quanto e' a mia conoscenza e per quanto io creda.

Firmato

Data

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of, and Schedule 1 to, this Order specifies offences under the law of Italy which appear to Her Majesty to correspond to certain of the offences specified in Schedule 1 to the Football Spectators Act 1989. Under section 22 of that Act proceedings may be commenced before magistrates against a person who resides or is believed to reside in an area in England or Wales if that person has been convicted of such offence. Under such proceedings a restriction order may be made against such a person. Under section 19 of that Act the person to whom such an order applies may be required to report to a police station in England or Wales on the occasion of a football match played in any country outside England and Wales of a description for the time being designated by order under section 14(2) of that Act.

Article 3 specifies the Italian Ministry of Grace and Justice as the authority in Italy by which a certificate may be made certifying a person's conviction for one of the offences specified in Schedule 1 to this Order. Article 4 of this Order prescribes the form of the certificate in Italian (since the certificate is to be completed by Italian officials). A translation into English of the form of the certificate is set out as an Appendix to this note.

Under section 22(10) of the Football Spectators Act 1989 a certificate in the form prescribed by this Order is admissible in proceedings under Part II of that Act (which concerns restriction orders) arising from convictions in Italy as evidence of the facts therein stated. A translation of the certificate would need to be proved. Under section 22 (11) facts stated in the certificate are to be taken as proved (on production of the certificate and proof that the person against whom the proceedings are brought is the person whose conviction is certified) unless the contrary is proved.

APPENDIX TO EXPLANATORY NOTE

English translation of certificate prescribed by article 4 of, and Schedule 2 to, this Order

I [*insert name*], a [*insert name of office held*] in the Ministry of Grace and Justice hereby certify as follows:

(a) [*insert name and, if known, address and date of birth of convicted person*] was on [*insert date of conviction*] convicted by [*insert name of court*] of the offence of [*insert name of offence, together (where relevant) with enactment contravened*] and sentenced to [*insert name of punishment imposed*];

(b) the offence was committed –

**(i)* at the football match at [*insert name of place where match was held*] on [*insert date*], being a match which was between [*insert names of teams*], in the following circumstances [*state circumstances in which offence was committed*]; or

delete* *(ii)** while **[entering]* **[trying to enter]* the ground for the football match at *whichever* [*insert name of place where match was held*] on [*insert date*], being a match *is* which was between [*insert names of teams*], in the following circumstances *inappropriate* [*state circumstances in which offence was committed*]; or

*(iii) at [*state time when offence was committed*], which is a time relevant to the football match at [*insert name of place where match was held*], being a match between [*insert names of teams*], because –

*[the match started at . . .], or

*[the match was advertised to start at], or

*[spectators were first admitted to the ground at], or

*[the match ended at], or

*[although the match was postponed, it was advertised to start at],

or

*[although the match did not take place, it was advertised to start at]

at [*insert name or description of premises where offence was committed and whether the accused was at, or was entering or leaving or trying to enter or leave, those premises*] in the following circumstances [*state circumstances in which offence was committed*]; or

*(iv) while the accused was on a journey *[to] *[from] the football match at [*insert name of place where match was held*] on [*insert date*], being a match which was between [*insert names of teams*], the offence was one that related to football matches and was committed in the following circumstances [*state circumstances in which the offence was committed*];

(c) the conviction –

*(i) is not the subject of proceedings in a court of law in Italy questioning it; or

*(ii) has been the subject of proceedings in a court of law in Italy questioning it and the final result of those proceedings is as follows [*insert result*];

(d) the information given above is, to the best of my knowledge and belief, true.

Signed

Date