

**EXPLANATORY MEMORANDUM TO
THE FOOTBALL SPECTATORS (PRESCRIPTION) (AMENDMENT)
ORDER 2006**

2006 No. 761

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

- 2.1 This instrument amends the definition of a regulated association football match for the purposes of the football banning order legislation (the Football Spectators Act 1989) and the football ticket touting legislation (the Criminal Justice and Public Order Act 1994).

3. **Matters of special interest to the Select Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 Sections 14(2) and 22A(1) of the Football Spectators Act 1989 empower the Secretary of State to make an order prescribing regulated football matches for the purposes of Part II of the 1989 Act.

- 4.2 The 1989 Act (as amended by the Football (Disorder) 2000 Act) provides the framework for football banning orders, under which individuals subject to bans are prohibited from attending regulated football matches, and are required to report to a police station on the days of specific regulated overseas matches. The ticket touting legislation (s166 of the Criminal Justice and Public Order Act 1994) makes it unlawful for an unauthorised person to sell, offer or expose for sale in public, or in the course of a trade or business, a ticket for a regulated match.

5. **Extent**

- 5.1 This instrument applies to England and Wales.

6. **European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- 7.1 The definition of a regulated match outside of England and Wales is amended to include international and club matches and tournaments organised

by FIFA or UEFA in which the England or Wales national team, or a senior club side from England or Wales, is eligible to participate in.

7.2 The effect of this is to extend coverage of the ticket touting legislation to the additional matches mentioned in paragraph 1 above whether or not the team in question actually competes in them. This is necessary to avoid the situation where tickets are sold without regulation for some matches that would otherwise only become regulated matches once the competing teams are known. For example tickets are currently being sold for knock-out matches (from the Second Round to the Final) of the 2006 World Cup in which the England national team could well participate but, at this stage, are not certain to do so. Currently tickets for these, and similar, matches can be touted without sanction.

7.3 Legislation covering ticket touting applies, in particular, to football matches because of the importance of segregation in reducing the potential for disorder between rival fans. Ticket touting compromises this segregation, and for overseas matches increases the potential for risk to supporters who obtain tickets.

7.4 The amendment to the definition of a regulated match in England and Wales extends coverage to any match involving a club from outside England and Wales. This is to ensure matches such as a European Cup Final staged at Wembley Stadium or the Millennium Stadium are covered. It also covers the home matches of English or Welsh sides competing in leagues outside England and Wales, for example Berwick Rangers who compete in the Scottish Football League. The Scottish Parliament is currently considering a Bill to introduce football disorder legislation comparable to that in England and Wales. This amendment closes a potential loophole.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Martin Gooday at the Home Office Tel: 0207 035 1815 or e-mail: martin.gooday@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.