

EXPLANATORY MEMORANDUM TO
THE FOOTBALL SPECTATORS (2007 EUROPEAN UNDER-21 CHAMPIONSHIP
CONTROL PERIOD) ORDER 2007

2007 No. 1411

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 describes the control period under the Football Spectators Act 1989 for the 2007 UEFA (Union of European Football Associations) European Under-21 Championship tournament in the Netherlands. The control period begins on 5th June 2007, that is five days before the first match in the tournament, and ends when the last match in the tournament is finished or cancelled. The last match is due to be played on 23rd June 2007.

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

3.1 None.

4. Legislative Background

4.1 The instrument is made under section 14(6) of the Football Spectators Act 1989.

4.2 During a control period the relevant powers contained in sections 19 (requirements for those subject to banning orders to report to police station and surrender passport) and 21A and 21B (summary powers to detain and refer to a court with a view to the making of a banning order) of the 1989 Act are exercisable. Those powers were inserted into the 1989 Act by the Football (Disorder) Act 2000 for an initial period of one year, extended by statutory instrument (The Football (Disorder) (Duration of Powers) Order 2001 S.I. 2001/2646) for a further year until 27th August 2002, and extended in the Football (Disorder) (Amendment) Act 2002 for a five year period until 28th August 2007. On 6th April 2007 Section 52(1) of the Violent Crime Reduction Act 2006 removed the time limitation.

4.3 Previous Statutory Instruments defined the control period for the 2002 World Cup (S.I. 2002/1143), 2004 European Championship (S.I. 2004/1029) and the 2006 World Cup (S.I. 2006/988).

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 During a control period the powers contained in section 19 (requirements for those subject to banning orders to report to police station and surrender passport) and section 21A and 21B (powers to detain and refer to a court) of the Football Spectators Act 1989 are exercisable. These summary police powers provide a long stop measure enabling the police to prevent a known troublemaker from travelling before the local force has had the opportunity to seek a banning order from the court. Section 21B of the 1989 Act empowers the police to issue a notice to an individual if there are reasonable grounds for suspecting that he has caused or contributed to violence or disorder in the United Kingdom or elsewhere, and if there are reasonable grounds to believe that imposing a banning order would help to prevent violence or disorder at or in connection with any of the matches comprised in the tournament.

7.2 The notice requires the individual to appear before a magistrates' court within 24 hours and in the meantime not to leave England and Wales. The magistrates' court will then treat the notice as an application for a banning order under the section 14B "on complaint" procedure.

7.3 Police have used their powers under section 21B proportionately during previous control periods. During the World Cup 2006 control period 60 banning orders were imposed, and during the Euro 2004 control period 55 banning orders were imposed. There is provision within section 20 of the Football Spectators Act 1989, for banned individuals to apply to the Football Banning Orders Authority for exemption from their reporting and passport surrender requirements for a particular match or tournament, if they can evidence a legitimate reason.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact upon 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.