

EXPLANATORY MEMORANDUM TO
THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (No.3) ORDER 2009
2009 No. 1501

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This order designates the ground occupied by The Albion Football Club (Burton-on-Trent) Limited (also known as the Burton Albion Football Club) as a sports ground requiring a safety certificate under the Safety of Sports Grounds Act 1975.
3. **Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The Safety of Sports Grounds Act 1975 provides for local authorities to issue safety certificates for designated sports grounds. Safety certificates contain such terms and conditions as the local authority considers necessary or expedient to secure reasonable safety at the sports ground. The Act creates offences in relation to the admission of spectators to a designated sports ground, in particular, where no safety certificate is in place or where the conditions of the safety certificate have been contravened.
 - 4.2 Section 1(1) of the 1975 Act provides that the Secretary of State may by order designate as a sports ground requiring a safety certificate any sports ground which in his opinion has accommodation for more than 10,000 spectators.
 - 4.3 The Safety of Sports Grounds (Accommodation of Spectators) Order 1996 reduced the number of spectators to 5,000 in respect of sports grounds in England and Wales at which association football matches are played and which are occupied by a club which is a member of the FA Premier League or the Football League.
 - 4.4 This order designates the Pirelli Stadium, Burton-on-Trent, being a sport ground at which association football matches are played, which is occupied by a football club that is a member of the Football League, and which in the opinion of the Secretary of State has accommodation for more than 5,000 spectators. Similar designation orders have been issued most years since 1976 in respect of other sports grounds.

5. Territorial Extent and Application

- 5.1 This instrument applies to England and Wales.
- 5.2 The Safety of Sports Grounds Act 1975 (under which the order is made) extends to England, Wales and Scotland.

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

- *What is being done and why*

- 7.1 The policy background to the 1975 Act is to improve spectator safety at sports grounds. The primary responsibility for ensuring safety lies with local authorities.
- 7.2 The reason for designating this ground as a sports ground requiring a safety certificate is that it is a ground at which association football matches are played, which is occupied by a football club which has recently become a member of the Football League and which has accommodation for 6,260 spectators. To address any potential safety concerns at the ground, the Secretary of State believes that it should be designated so that the local authority for the area in which the sports ground is situated can carry out certification of the ground for safety purposes.

- *Consolidation*

- 7.3 The Instrument does not amend another instrument.

8. Consultation outcome

- 8.1 The club and the relevant local authority, police and fire services have been consulted and no objections have been raised to the designation.

9. Guidance

- 9.1 There is no specific guidance issued to ensure compliance with this Instrument. However, local authorities are able to refer to the technical advice contained in the *Government's Guide to Safety at Sports Grounds, 5th Edition, The Stationery Office, 2006 ISBN 0-11-702074*, also known as the Green Guide.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is minimal and the only impact will be on the sports club named in this Instrument

which will be required to ensure that they comply with the terms of the safety certificate issued by the local authority.

- 10.2 The impact on the public sector is that the local authority for the area in which the sports ground is situated will be required to issue a safety certificate for the sports ground designated in this Instrument.
- 10.3 An Impact Assessment has not been prepared for this Instrument.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 Not applicable

13. Contact

- 13.1 Fraser Skilling at the Department for Culture, Media and Sport. Tel: 020 7211 6107 or email: fraser.skilling@culture.gov.uk can answer any queries regarding the instrument.