



# Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

## PART 2

### PUBLIC ORDER ETC.

#### CHAPTER 1

##### FOOTBALL BANNING ORDERS

###### *Enforcement of order in relation to foreign matches*

#### **61 Foreign matches: reporting and other requirements**

- (1) The constable responsible for the police station at which a person subject to a football banning order reports initially may make such requirements of the person as are determined by the football banning orders authority to be necessary or expedient for giving effect to the football banning order, so far as relating to regulated football matches outside the United Kingdom.
- (2) Subject to section 64, if, in connection with any regulated football match outside the United Kingdom, the football banning orders authority is of the opinion mentioned in subsection (3) in relation to a person subject to a football banning order, the authority must cause the person to be served with a notice in writing under subsection (4).
- (3) That opinion is that requiring the person to report in accordance with a notice under subsection (4) is necessary or expedient in order to reduce the likelihood of violence or disorder at or in connection with the match.
- (4) A notice under this subsection is a notice requiring the person—
  - (a) to report at a specified police station at the time, or between the times, specified; and

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- (b) if the order imposes a requirement as to the surrender of the person's passport, to attend at a specified police station at the time, or between the times, specified and—
  - (i) if the person has a passport, to surrender it; or
  - (ii) if the person does not have a passport, to make a declaration to that effect.

(5) In subsection (4), “specified” means specified in the notice.

(6) The football banning orders authority may establish criteria for determining whether a notice under subsection (4) ought to be imposed on any person or on persons of a particular description.

## **62 Notices under section 61(4): further provision**

- (1) A notice under section 61(4) may not require the person subject to the order to report or surrender the person's passport except in the control period in relation to—
  - (a) a regulated football match outside the United Kingdom; or
  - (b) a designated external tournament which includes such matches.

(2) In subsection (1)—

“control period” in relation to a regulated football match outside the United Kingdom means the period—

- (a) beginning 5 days before the day of the match; and
- (b) ending when the match is finished or cancelled;

“control period” in relation to a designated external tournament means the period—

- (a) beginning 5 days before the day of the first football match outside the United Kingdom which is included in the tournament;
- (b) ending when the last football match outside the United Kingdom which is included in the tournament is finished or cancelled;

(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);

“designated” means designated by the Scottish Ministers by order; and

“external tournament” means a football competition which includes regulated football matches outside the United Kingdom.

- (3) Where a notice under section 61(4) requires the person subject to the order to surrender the person's passport, the passport must be returned to the person as soon as reasonably practicable after the control period in question.

## **63 Sections 61 and 62: guidance**

- (1) The football banning orders authority must, in carrying out its functions under sections 61 and 62, have regard to any guidance issued by the Scottish Ministers about—
  - (a) the carrying out of those functions; and
  - (b) matters arising in connection with the carrying out of those functions.

(2) The Scottish Ministers shall make such arrangements as they consider appropriate for publishing the guidance issued from time to time for the purpose of subsection (1).

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## **64 Exemption from notice served under section 61(4)**

- (1) A person who is subject to a football banning order may—
  - (a) as respects a particular regulated football match; or
  - (b) as respects regulated football matches played during a period,apply for an order disapplying any notice under section 61(4) served on the person in relation to the match or matches.
- (2) Subject to subsection (3), an application under subsection (1) is to be made to the football banning orders authority.
- (3) If the application is made during the control period in relation to any match to which it relates, the application may instead be made to the constable responsible for any police station.
- (4) In subsection (3), “control period” is to be construed in accordance with section 62(2).
- (5) An order under this section is to be made only if the applicant shows to the satisfaction of the person to whom the application for the order is made—
  - (a) that there are circumstances which justify the making of the order; and
  - (b) that, because of those circumstances, the applicant would not attend the match or matches.
- (6) Except where subsection (7) applies, a constable is not to make an order under this section without referring the question of whether to do so to the football banning orders authority.
- (7) This subsection applies where it is not reasonably practicable for the constable to refer the question to the authority.
- (8) Where a constable makes an order under this section without referring the question of whether to do so to the football banning orders authority, the constable must give notice in writing of that fact to the football banning orders authority as soon as is reasonably practicable.

## **65 Section 64: supplementary**

- (1) The football banning orders authority or a constable is, in making decisions under section 64, to have regard to any guidance in that respect issued by the Scottish Ministers.
- (2) The Scottish Ministers shall make such arrangements as they consider appropriate for publishing the guidance issued from time to time for the purpose of subsection (1).
- (3) A person who is aggrieved by the refusal of the football banning orders authority or a constable to make an order under section 64 in the person's favour may appeal that refusal to the sheriff.
- (4) An appeal under subsection (3) may be made only after the aggrieved person has given notice in writing of the intention to do so to—
  - (a) in the case of an appeal against a refusal by the football banning orders authority, that authority;
  - (b) in the case of an appeal against a refusal by a constable, the constable and the football banning orders authority.

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- (5) An appeal under subsection (3) is to be made by summary application.
- (6) On an appeal under subsection (3) the sheriff may make such order as the sheriff thinks fit.
- (7) The sheriff's decision on an appeal under subsection (3) is final.

## 66 Suspension of reporting requirements

- (1) Any requirements imposed on the person subject to a football banning order (“the subject”) by a notice under section 61(4) are suspended during any period in which the subject does not reside in [<sup>F1</sup>the United Kingdom].
- (2) The requirements mentioned in subsection (3) are suspended during any period in which the subject is detained in legal custody.
- (3) Those requirements are—
  - (a) the requirement under the order to report initially at a police station; and
  - (b) any requirements imposed on the subject in a notice under section 61(4).
- (4) Subsection (5) applies if—
  - (a) the subject is released from custody more than 5 days before the expiry of the period for which the order has effect; and
  - (b) the subject was precluded by being in custody from reporting initially.
- (5) Where this subsection applies, the order is to have effect as if it required the subject to report initially at the police station specified in the order within the period of 5 days beginning with the date of the subject's release.

### Textual Amendments

**F1** Words in s. 66(1) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 104(5), 116(1); S.I. 2010/507, art. 5(o) with art. 6)

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