



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

2006 asp 10

PART 2 U.K.

PUBLIC ORDER ETC.

CHAPTER 1 U.K.

FOOTBALL BANNING ORDERS

Making and content of orders

52 Making of order on application to the sheriff S

- (1) The chief constable of [^{F1}the Police Service of Scotland] may apply for a football banning order against any person—
 - ^{F2}(a)
 - ^{F2}(b)
- (2) An application under subsection (1) may be made to any sheriff—
 - (a) in whose sheriffdom the person against whom the order is sought resides;
 - (b) in whose sheriffdom that person is believed by the applicant to be; or
 - (c) to whose sheriffdom that person is believed by the applicant to be intending to come.
- (3) An application under subsection (1) is to be made by summary application.
- (4) A sheriff may make a football banning order if satisfied that—
 - (a) the person against whom the order is sought has at any time contributed to any violence or disorder in the United Kingdom or elsewhere; and
 - (b) there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with any football matches.

Changes to legislation: Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 52 is up to date with all changes known to be in force on or before 29 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Subsections (6) and (8) apply where a sheriff is determining whether to make a football banning order against a person.
- (6) The sheriff may take into account the matters mentioned in subsection (7) (amongst others), so far as considering it appropriate to do so.
- (7) Those matters are—
- (a) any decision of a court or tribunal outside the United Kingdom in respect of the person;
 - (b) the person's deportation or exclusion from a country or territory outside the United Kingdom;
 - (c) the person's removal or exclusion from premises used for playing football matches, whether in the United Kingdom or elsewhere;
 - (d) the person's conduct recorded on video or by any other means.
- (8) The sheriff may not take into account anything done by the person before the beginning of the relevant period, except circumstances ancillary to a conviction.
- (9) In subsection (8)—
- “the relevant period” means the period of 10 years ending with the day on which the application for the order was made; and
- “circumstances ancillary to a conviction” has the same meaning as it has for the purposes of section 4 of the Rehabilitation of Offenders Act 1974 (c. 53).
- (10) Subsection (8) does not prejudice anything in the Rehabilitation of Offenders Act 1974 (c. 53).
- (11) On making a football banning order, the sheriff must explain to the person (if present in court) in ordinary language the effect of the order.
- (12) But failure to comply with subsection (11) does not affect the order's validity.

Textual Amendments

- F1** Words in s. 52(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(12\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** S. 52(1)(a)(b) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(12\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)