
STATUTORY INSTRUMENTS

2006 No. 313

The Safety of Sports Grounds (Northern Ireland) Order 2006

PART III

SAFETY OF STANDS AT OTHER SPORTS GROUNDS

Interpretation of Part III

12.—(1) In this Part—

“final”, in relation to a determination, is to be construed in accordance with Article 15;

“general safety certificate” means such a safety certificate for a stand as is mentioned in Article 13(9)(a);

“regulated stand” has the meaning assigned to it by Article 13(4);

“special safety certificate” means such a safety certificate for a stand as is mentioned in Article 13(9)(b);

“stand” has the meaning given in paragraphs (2) and (3);

“safety certificate” means a certificate under this Part;

“spectator” means any person occupying accommodation provided in stands for spectators at a sports ground.

(2) In this Part “stand”, in relation to a sports ground, means a permanent artificial structure which—

- (a) provides accommodation for spectators and is wholly or partly covered by a roof; or
- (b) provides seated accommodation for spectators.

(3) For the purposes of paragraph (2) an artificial stand shall be taken to be permanent—

- (a) if it is in place for more than 28 days;
- (b) notwithstanding that it is demountable.

Safety certificates for stands at sports grounds which are not designated under Part II

13.—(1) This Part applies in relation to a sports ground which—

- (a) provides accommodation in stands for spectators, and
- (b) is not a designated sports ground.

(2) A safety certificate is required in respect of the use, at a sports ground in relation to which this Part applies, of each stand which provides accommodation for 500 or more spectators to view activities at the ground; but one certificate may be issued in respect of several such stands.

(3) The Department may by order amend paragraph (2) by substituting a smaller number for the number for the time being specified in it.

(4) A stand in respect of the use of which a safety certificate under this Part is required is referred to in this Part as a “regulated stand”.

(5) It shall be the function of the council—

- (a) to determine whether any, and if so, which of the stands at a sports ground in its district is a regulated stand; and
- (b) to issue safety certificates.

(6) In determining whether any stand at a sports ground in its district is a regulated stand the council may apply any criteria which are appropriate for that purpose.

(7) In discharging their function of determination as respects the stands at sports grounds in their districts, councils shall act in accordance with such guidance as the Department may give them.

(8) A final determination of a council that a stand at a sports ground is a regulated stand shall be conclusive of the question subject only to an appeal under Article 17.

(9) A safety certificate in respect of the use of a regulated stand at a sports ground may be either—

- (a) a certificate in respect of the use of the stand for viewing an activity or a number of activities specified in the certificate during an indefinite period commencing with a date so specified; or
- (b) a certificate in respect of the use of the stand for viewing an activity or a number of activities specified in the certificate on an occasion or series of occasions so specified;

and any reference in this Order to a safety certificate's being “for” a stand is a reference to its covering the use of the stand for viewing an activity or activities during an indefinite period or, as the case may be, on an occasion or occasions.

Contents of safety certificates for stands

14.—(1) A safety certificate for a regulated stand shall contain such terms and conditions as the council considers necessary or expedient to secure reasonable safety in the stand when it is in use for viewing the specified activity or activities at the ground, and the terms and conditions may be such as to involve alterations or additions to the stand or any installations in or serving the stand.

(2) In so far as an order under Article 25 so requires as respects any class of stand at sports grounds, a safety certificate shall include such terms and conditions as may be provided for in the order.

(3) No condition of a safety certificate shall require the provision of the services in or in the vicinity of the stand of any police officers unless the extent of the provision of their services is reserved for the determination of the Chief Constable.

(4) Without prejudice to paragraph (1) a safety certificate for a regulated stand may include a condition that records shall be kept—

- (a) of the number of spectators accommodated in the stand; and
- (b) relating to the maintenance of safety in the stand.

(5) A general safety certificate shall contain or have attached to it a plan of the stand to which it applies and the area in the immediate vicinity of it, and the terms and conditions in the certificate or in any special safety certificate issued for the stand shall be framed, where appropriate, by reference to that plan.

(6) A safety certificate for a regulated stand at a sports ground may include different terms and conditions in relation to different activities taking place at the ground.

(7) Nothing in a safety certificate for a regulated stand at a sports ground shall derogate from any requirements imposed by regulations under Article 19(2).

Issue of certificates

15.—(1) For the purposes of this Part, the following persons qualify for the issue of a safety certificate for a regulated stand at a sports ground—

- (a) the person who qualifies for the issue of a general safety certificate is the person who is responsible for the management of the ground; and
- (b) the person who qualifies for the issue of a special safety certificate for viewing an activity from the stand on any occasion is the person who is responsible for organising that activity.

(2) The council for a district shall, in respect of any stand at a sports ground in its district which appears to it to be a regulated stand, make a preliminary determination whether or not that stand is a regulated stand.

(3) If the council determines under paragraph (2) that a stand is a regulated stand, the council shall serve a notice on the person who appears to it to qualify for the issue of a general safety certificate stating the council's determination and the effects of it.

(4) Subject to paragraphs (5)(a) and (6), a preliminary determination that a stand at a sports ground is a regulated stand shall become final at the end of the period of two months beginning with the date of the notice under paragraph (3).

(5) A council may revoke its determination that a stand at a sports ground is a regulated stand—

- (a) at any time before it becomes final; or
- (b) (whether or not it has become final) on considering an application for a general safety certificate for the stand.

(6) A council may, at any time before its determination that a stand at a sports ground is a regulated stand becomes final, withdraw the notice under paragraph (3) and serve a further notice under that paragraph on another person; and if it does so the period of two months at the end of which the determination becomes final shall be treated as beginning with the date of the further notice.

(7) If a council receives an application for a general safety certificate for a regulated stand at a sports ground in its district, it shall—

- (a) if it has not already done so, determine whether the stand is a regulated stand and, if it determines that it is, determine whether the applicant is the person who qualifies for the issue of the general safety certificate for it;
- (b) if it has made a determination that the stand is a regulated stand and does not decide to revoke it, determine whether the applicant is the person who qualifies for the issue of the general safety certificate for it.

(8) If the council, on an application under paragraph (7) in relation to a stand which it has determined or determines is a regulated stand, determines that the applicant is the person who qualifies for the issue of the general safety certificate it shall (if no such certificate is in operation) issue to him such a certificate.

(9) If a council receives an application for a special safety certificate for a regulated stand at a sports ground in its district as respects which stand a general safety certificate is in operation, it shall determine whether the applicant qualifies for the issue of a special safety certificate for it and, if it determines that he does, it may issue to him a special safety certificate.

(10) The council shall, if it determines that an applicant for a safety certificate does not qualify for the issue of the certificate, serve on him a notice stating its determination.

(11) The council shall—

- (a) send a copy of an application for a safety certificate for a regulated stand to the Chief Constable and the Fire Authority, and
- (b) consult each of them about the terms and conditions to be included in the certificate.

(12) The council may, by notice, require an applicant for a safety certificate to provide it within such reasonable time as it may specify in the notice with such information and such plans of the ground as it considers necessary for the purpose of discharging its functions in respect of the issue of safety certificates for the regulated stands at the ground.

(13) If an applicant for a safety certificate fails to comply with a requirement under paragraph (12) within the time specified by the council, or within such further time as it may allow, he shall be deemed to have withdrawn his application.

Amendment, replacement, cancellation, transfer or surrender of certificates

16.—(1) The council which has issued a safety certificate for a regulated stand at a sports ground—

- (a) shall, if at any time it appears to the council that the stand in respect of which it was issued is not or has ceased to be a regulated stand, revoke their previous determination and, by notice to its holder, cancel the certificate;
- (b) may, in any case where it appears appropriate to the council to do so, amend the certificate by notice to its holder; or
- (c) may replace the certificate.

(2) A safety certificate may be cancelled, amended or replaced under paragraph (1) either on the application of the holder or without such an application.

(3) Article 14 shall apply on the amendment or replacement of a safety certificate.

(4) A notice under paragraph (1)(b) amending a general safety certificate shall specify the date on which the amendment to which it relates is to come into operation, and the date so specified may be a date later than the date of issue of the notice.

(5) If the council receives an application for the transfer of a safety certificate for a regulated stand from the holder to some other person, the council—

- (a) shall determine whether that person would, if he made an application for the purpose, qualify for the issue of the certificate; and
- (b) if it determines that he would, may transfer the certificate to him.

(6) The council shall give notice of its determination under paragraph (5) to the person in question.

(7) An application under paragraph (5) may be made either by the holder of the safety certificate or by the person to whom it is proposed that it should be transferred.

(8) The council shall send a copy of an application for the transfer of a safety certificate for a regulated stand to the Chief Constable and the Fire Authority.

(9) The council shall consult the Chief Constable and the Fire Authority about any proposal to amend, replace or transfer a safety certificate.

(10) The holder of a safety certificate may surrender it to the council, and it shall thereupon cease to have effect.

(11) The council may cancel a safety certificate if the holder dies or (if a body corporate) is dissolved.

VALID FROM 15/11/2010

[^{F1}Safety certificates: fire safety

16A. A safety certificate has no effect to the extent that it would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.]

Textual Amendments

F1 Art. 16A inserted (15.11.2010) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 32** (with arts. 49, 62); S.R. 2010/328, **art. 2**

Appeals

17.—(1) A person who has been served with a notice of a determination, which is or has become a final determination of a council, that any stand at a sports ground is a regulated stand may appeal against the determination to the court.

(2) Any person who, on an application for the issue or transfer to him of a safety certificate for a regulated stand at a sports ground, has been served with a notice of the determination of a council that he does not or, in the case of an application for a transfer, would not qualify for the issue of the certificate may appeal against the determination to the court.

(3) An applicant for a special safety certificate for a regulated stand at a sports ground may also appeal to the court against a refusal of his application on grounds other than a determination that he does not qualify for the issue of the certificate.

(4) An interested party may appeal to the court against—

- (a) the inclusion of anything in, or the omission of anything from, a safety certificate for a regulated stand at a sports ground; or
- (b) the refusal of the council to amend or replace a safety certificate for a regulated stand at a sports ground.

(5) Any appeal to the court under this Article shall be brought—

- (a) in accordance with Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26); and
- (b) within the period prescribed under Article 19(1)(c).

(6) In this Article “interested party”, in relation to a safety certificate, means—

- (a) the holder of the certificate;
- (b) any other person who is or may be concerned in ensuring compliance with the terms and conditions of the certificate;
- (c) the Chief Constable; and
- (d) the Fire Authority.

(7) Subject to paragraph (8), if a council serves on any applicant for a safety certificate a notice of its determination that he does not qualify for the issue of the certificate, he shall be deemed to have withdrawn his application on the expiry of the period within which an appeal must, by virtue of paragraph (5)(b), be brought.

(8) Paragraph (7) shall not have effect if an appeal is brought before the expiry of the period referred to in that paragraph, but if the appeal is withdrawn or the court upholds the council's determination, the appellant shall be deemed to have withdrawn his application on the date of the withdrawal of his appeal or of the court's order on the appeal.

(9) Where an appeal is brought against the inclusion of any term or condition in a safety certificate (whether it was included in the certificate originally or only on its amendment or replacement), the bringing of the appeal shall not have the effect of suspending the operation of the term or condition.

(10) The council or an interested party may appeal to the county court against an order of the court under this Article.

Offences

18.—(1) Subject to paragraphs (4) to (6), if—

- (a) spectators are admitted to a regulated stand at a sports ground on an occasion when no safety certificate which covers their use of the stand is in operation for it, or
- (b) any term or condition of a safety certificate for a regulated stand at a sports ground is contravened,

any responsible person and, if a safety certificate is in operation, the holder of the certificate, shall be guilty of an offence.

(2) In paragraph (1) “responsible person” means the person who is concerned in the management of the sports ground or of the regulated stand in question or in the organisation of any activity taking place at the ground at the time when an offence is alleged to have been committed.

(3) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4) No offence under paragraph (1)(a) is committed if—

- (a) the determination that the stand is a regulated stand is not a final one, or
- (b) an application has been made for a general safety certificate for the stand and has not been withdrawn or deemed to have been withdrawn; or
- (c) spectators are admitted to the stand in connection with an entertainment to which paragraph 2 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15) applies (outdoor musical events) and a licence under that paragraph is in force in respect of the provision of that entertainment at the sports ground in question.

(5) Where any person is charged with an offence under paragraph (1) it shall be a defence to prove—

- (a) that the spectators were admitted or the contravention of the certificate in question took place without his consent; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(6) Where any person is charged as a responsible person with an offence under paragraph (1)(a) it shall be a defence to prove that he did not know of the determination that the stand in relation to which the offence is alleged to have been committed is a regulated stand.

(7) Any person who in purporting to carry out a requirement under Article 15(12) or for the purpose of procuring a safety certificate or the cancellation, amendment, replacement or transfer of a safety certificate knowingly or recklessly—

(a) makes a false statement; or

(b) produces, furnishes, signs or otherwise makes use of a document containing a false statement,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status:

Point in time view as at 31/12/2009. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the The Safety of Sports Grounds (Northern Ireland) Order 2006, PART III.