



# Fire Safety and Safety of Places of Sport Act 1987

1987 CHAPTER 27

E+W+S

An Act to amend the Fire Precautions Act 1971 and other enactments relating to fire precautions; to amend the Safety of Sports Grounds Act 1975 and make like provisions as respects stands at sports grounds; to extend as respects indoor sports premises, and amend, the statutory provisions regulating entertainment licences; and for connected purposes. [15th May 1987]

<sup>X1</sup>Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## Editorial Information

- X1** The text of Ss. 19-41, 49, 50, Schs. 2, 4, 5 was taken from S.I.F. Group 45A (Entertainment), Ss. 1-18, 49, 50, Schs. 1, 4, 5 from S.I.F. Group 50 (Fire Services), Ss. 42, 43, 45, 46, 47, 49, 50, Schs. 3-5 from S.I.F. Group 81:1 (Local Government: General, E. & W.), Ss. 44, 48-50, Sch. 5 from S.I.F. Group 81:2 (Local Government: General, S.).

## Extent Information

- E1** Except as provided by an order under section 50 subsection (5) Parts II and III of this Act do not extend to the Isles of Scilly.

## Commencement Information

- II** Act not in force at Royal Assent see [s. 50\(2\)](#)

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## PART I **E+W+S**

### FIRE SAFETY

#### *Exemption from requirement to have fire certificate*

#### **1 Power to exempt from requirement to have fire certificate. **E+W+S****

- (1) The <sup>M1</sup>Fire Precautions Act 1971 (in this Part referred to as “the principal Act”) shall have effect with the following amendments.
- (2) In section 1 (designated uses requiring cover by fire certificates)—
  - (a) after subsection (3) there shall be inserted the following subsection—
 

“(3A) An order under this section may, as respects any designated use, specify descriptions of premises which qualify for exemption by a fire authority under section 5A of this Act from the requirement for a fire certificate in respect of premises which are put to that use.”; and
  - (b) in subsection (4) (methods of description), after the words “subsection (3)” there shall be inserted the words “ or (3A) ”, after the words “use for any purpose” there shall be inserted the words “ or their situation, construction or arrangement ”, and for the words “that subsection” there shall be substituted the words “ subsection (3) or (3A) above ”.
- (3) In section 5(3) (duty of fire authority to inspect premises on application for fire certificate) after the words “duty of the fire authority” there shall be inserted the words “ to consider whether or not, in the case of premises which qualify for exemption under section 5A of this Act, to grant exemption and, if they do not grant it, it shall be their duty ”.
- (4) After section 5 there shall be inserted the following sections—

#### **“5A Powers for fire authority to grant exemption in particular cases.**

- (1) A fire authority may, if they think fit as regards any premises which appear to them to be premises qualifying for exemption under this section as respects any particular use, grant exemption from the requirement to have a fire certificate covering that use.
- (2) Exemption under this section for any premises as respects any use of them may be granted by the fire authority, with or without the making of an application for the purpose,—
  - (a) on the making of an application for a fire certificate with respect to the premises covering that use; or
  - (b) at any time during the currency of a fire certificate with respect to the premises which covers that use.
- (3) In deciding whether or not to grant exemption under this section for any premises the fire authority shall have regard to all the circumstances of the case and in particular to the degree of seriousness of the risk in case of fire to persons in the premises.
- (4) For the purpose of making that decision the fire authority may—

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- (a) require the applicant or, as the case may be, the occupier of the premises to give such information as they require about the premises and any matter connected with them; and
  - (b) cause to be carried out an inspection of the relevant building.
- (5) The fire authority shall not grant exemption under this section for any premises without causing an inspection to be carried out under subsection (4) above unless they have caused the premises to be inspected (under that or any other power) within the preceding twelve months.
- (6) The effect of the grant of exemption under this section as respects any particular use of premises is that, during the currency of the exemption, no fire certificate in respect of the premises is required to cover that use and accordingly—
  - (a) where the grant is made on an application for a fire certificate, the grant disposes of the application or of so much of it as relates to that use; and
  - (b) where the grant is made during the currency of a fire certificate, the certificate shall wholly or as respects that use cease to have effect.
- (7) On granting an exemption under this section, the fire authority shall, by notice to the applicant for the fire certificate or the occupier of the premises, as the case may be, inform him that they have granted exemption as respects the particular use or uses of the premises specified in the notice and of the effect of the grant.
- (8) A notice of the grant of exemption for any premises as respects a particular use of them may include a statement specifying the greatest number of persons of a description specified in the statement for the purposes of that use who, in the opinion of the fire authority, can safely be in the premises at any one time.
- (9) Where a notice of the grant of exemption for any premises includes a statement under subsection (8) above, the fire authority may, by notice served on the occupier of the premises, direct that, as from a date specified in the notice, the statement—
  - (a) is cancelled; or
  - (b) is to have effect as varied by the notice;and, on such a variation the statement shall be treated, so long as the variation remains in force, as if the variation were specified in it.

## **5B Withdrawal of exemptions under s.5A.**

- (1) A fire authority who have granted an exemption under section 5A of this Act from the requirement to have a fire certificate covering any particular use of premises may, if they think fit, at any time, withdraw the exemption in accordance with subsections (2) to (4) below.
- (2) In deciding whether or not to withdraw an exemption they have granted the fire authority shall have regard to all the circumstances of the case and in particular to the degree of seriousness of the risk in case of fire to persons in the premises.
- (3) The fire authority may withdraw an exemption they have granted as respects any particular use of premises without exercising any of the powers of

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inspection or inquiry conferred by section 19 of this Act but they shall not withdraw the exemption without first giving notice to the occupier of the premises that they propose to withdraw it and the reasons for the proposal and giving him an opportunity of making representations on the matter.

- (4) An exemption shall be withdrawn by serving a notice on the occupier of the premises to which the exemption relates stating that the exemption will cease to have effect as respects the particular use or uses of the premises specified in the notice on such date as is so specified, being a date not earlier than the end of the period of fourteen days beginning with the date on which service of the notice is effected.
- (5) If premises cease to qualify for exemption under section 5A of this Act a fire authority who have granted an exemption under that section shall notify the occupier of the premises of the fact and date of the cessation of the exemption.”

#### Marginal Citations

M1 1971 c. 40.

## 2 Exemption from requirement to have fire certificate: supplementary. **E+W+S**

(1) After section 8 of the principal Act there shall be inserted the following section—

### **“8A Change of conditions affecting premises for which exemption has been granted.**

- (1) If, during the currency of an exemption granted under section 5A of this Act for any premises, it is intended to carry out in relation to those premises any proposals to which this section applies, the occupier shall, before the carrying out of the proposals is begun, give notice of the proposals to the fire authority; and if the carrying out of the proposals is begun without such notice having been given, the occupier shall be guilty of an offence.
- (2) This section applies to the following proposals, namely, any proposal—
- (a) to make—
    - (i) an extension of, or structural alteration to, the premises which would affect the means of escape from the premises; or
    - (ii) an alteration in the internal arrangement of the premises, or in the furniture or equipment with which the premises are provided, which would affect the means of escape from the premises; or
  - (b) on the part of the occupier, to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the building which constitutes or comprises the premises in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind; or
  - (c) in a case where the notice of exemption under section 5A of this Act includes a statement under subsection (8) of that section, to make such a use of the premises as will involve there being in the premises

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at any one time a greater number of persons in relation to whom the statement applies than is specified or treated as specified in the statement.

- (3) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.”
- (2) In section 19(2) of the principal Act (premises within powers of inspection etc. of inspectors), after paragraph (a), there shall be inserted the following paragraph—
- “(aa) any premises in respect of which there is in force an exemption under section 5A of this Act from the requirement for a fire certificate with respect to them;”.

Charges for fire certification work

### 3 Charges for fire certification work. **E+W+S**

After the section 8A of the principal Act inserted by section 2 above there shall be inserted the following section—

#### “8B Charges for issue or amendment of fire certificates.

- (1) Where a fire authority—
- (a) issue a fire certificate under section 5 of this Act, or
  - (b) except in a case falling within subsection (2) below, amend a fire certificate or, as an alternative to amendment, issue a new fire certificate, under section 8 of this Act,
- the applicant for the certificate or, as the case may be, the occupier of the premises to which the amended or new certificate relates shall pay to the authority such fee as the authority determine.
- (2) No fee shall be chargeable for the amendment of a fire certificate, or issue of a new fire certificate embodying amendments, under section 8(6) of this Act in a case where the amendment or amendments is or are made in consequence of the coming into force of regulations under section 12 of this Act.
- (3) A fee charged by a fire authority under this section in connection with the issue of a fire certificate or the amendment of a, or issue of a new, fire certificate shall not exceed an amount which represents the cost to the authority of the work reasonably done by them for the purposes of the issue of the certificate or, as the case may be, the amendment of the certificate or issue of the new certificate, other than the cost of any inspection of the premises.”

#### *Means of escape and for fighting fire*

### 4 Means of escape: scope of regulation. **E+W+S**

- (1) The following amendments of the principal Act with regard to means of escape from premises in case of fire shall have effect.

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- (2) In section 5 (applications for and issue of fire certificates), the following subsection shall be added at the end—

“(5) In this Act, “escape”, in relation to premises, means escape from them to some place of safety beyond the building which constitutes or comprises the premises and any area enclosed by it or enclosed with it; and accordingly, for the purposes of any provision of this Act relating to means of escape, consideration may be given to, and conditions or requirements imposed as respects, any place or thing by means of which a person escapes from premises to a place of safety.”

- (3) In section 43(1) (interpretation), after the definition of “designated use”, there shall be inserted the following—

““escape” has the meaning assigned to it by section 5(5) of this Act and “means of escape” is to be construed in accordance with that subsection;”.

## 5 General duty as to means of escape and for fighting fire. **E+W+S**

For section 9A of the principal Act (duty to provide certain premises with means of escape in case of fire) there shall be substituted the following section—

### “9A Duty as to means of escape and for fighting fire.

- (1) All premises to which this section applies shall be provided with—
- (a) such means of escape in case of fire, and
  - (b) such means for fighting fire,
- as may reasonably be required in the circumstances of the case.
- (2) The premises to which this section applies are premises which are exempt from the requirement for a fire certificate by virtue of—
- (a) a provision made in an order under section 1 of this Act by virtue of subsection (3) of that section, or
  - (b) the grant of exemption by a fire authority under section 5A of this Act.
- (3) In the event of a contravention of the duty imposed by subsection (1) above the occupier of the premises shall, except as provided in subsection (4) below, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person is not guilty of an offence under this section in respect of any contravention of the duty imposed by subsection (1) above which is the subject of an improvement notice under section 9D of this Act.”

## 6 Codes of practice. **E+W+S**

After the section 9A of the principal Act substituted by section 5 above there shall be inserted the following sections—

### “9B Codes of practice as to means of escape and for fighting fire.

- (1) The Secretary of State may from time to time, after consultation with such persons or bodies of persons as appear to him requisite—

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- (a) prepare and issue codes of practice for the purpose of providing practical guidance on how to comply with the duty imposed by section 9A of this Act; and
  - (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.
- (2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament, and the Secretary of State shall not issue the code or revised code, as the case may be, until after the end of the period of 40 days beginning with the day on which the code or the proposed alterations were so laid.
- (3) If, within the period mentioned in subsection (2) above, either House resolves that the code be not issued or the proposed alterations be not made, as the case may be, the Secretary of State shall not issue the code or revised code (but without prejudice to his power under that subsection to lay further codes or proposed alterations before Parliament).
- (4) For the purposes of subsection (2) above—
- (a) where the code or proposed alterations are not laid before both Houses of Parliament on the same day, the later day shall be taken to be the day on which the code or the proposed alterations, as the case may be, were laid before both Houses, and
  - (b) in reckoning any period of 40 days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (5) In this Act references to a code of practice under this section are references to such a code as it has effect for the time being, with any revisions, under this section.

### **9C Legal effect of codes of practice.**

- (1) A failure on the part of a person to observe any provision of a code of practice under section 9B of this Act shall not of itself render him liable to any criminal or civil proceedings.
- (2) If, in any proceedings whether civil or criminal under this Act, it is alleged that there has been a contravention on the part of any person of the duty imposed by section 9A of this Act—
- (a) a failure to observe a provision of a code of practice under section 9B of this Act may be relied on as tending to establish liability, and
  - (b) compliance with such a code may be relied on as tending to negative liability.”

## **7 Improvement notices. E+W+S**

- (1) After the section 9C of the principal Act inserted by section 6 above there shall be inserted the following sections—

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**“9D Improvement notices.**

- (1) Where a fire authority are of the opinion that the duty imposed by section 9A of this Act has been contravened in respect of any premises to which that section applies, they may serve on the occupier of those premises a notice (in this Act referred to as “an improvement notice”) which—
  - (a) states they are of that opinion;
  - (b) specifies, by reference to a code of practice under section 9B of this Act if they think fit, what steps they consider are necessary to remedy that contravention; and
  - (c) requires the occupier to take steps to remedy that contravention within such period (ending not earlier than the period within which an appeal against the improvement notice can be brought under section 9E of this Act) as may be specified in the notice.
- (2) Where an improvement notice has been served under subsection (1) above—
  - (a) the fire authority may withdraw that notice at any time before the end of the period specified in the notice; and
  - (b) if an appeal against the improvement notice is not pending, the fire authority may extend or further extend the period specified in the notice.
- (3) Where any premises are premises to which section 9A of this Act applies and—
  - (a) the building which constitutes or comprises the premises is a building to which at the time of its erection building regulations imposing requirements as to means of escape in case of fire applied; and
  - (b) in connection with the erection of that building plans were, in accordance with building regulations, deposited with a local authority,

the fire authority shall not in pursuance of subsection (1) above serve an improvement notice requiring structural or other alterations relating to the means of escape from the premises unless the requirements of subsection (4) below are satisfied in relation to those premises.
- (4) The requirements of this subsection are satisfied in relation to such premises as are mentioned in subsection (3) above if—
  - (a) regulations are in force under section 12 of this Act applying to the premises in relation to any use of them as respects which exemption under section 5A of this Act has been granted, being regulations which impose requirements as to means of escape in case of fire, and the fire authority are satisfied that alterations to the building which constitutes or comprises the premises are necessary to bring the premises into compliance with the regulations in respect of those requirements; or
  - (b) the fire authority are satisfied that the means of escape in case of fire with which the premises are provided are inadequate in relation to any such use of the premises by reason of matters or circumstances of which particulars were not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans.



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- (5) In this section “structural or other alterations relating to means of escape from the premises”, in relation to any such premises as are mentioned in this section, means structural or other alterations directly connected with the provision of the premises with adequate means of escape in case of fire.
- (6) Subsections (3) to (5) above extend to England and Wales only.

### **9E Rights of appeal against improvement notices.**

- (1) A person on whom an improvement notice is served may, within twenty-one days from the date on which the improvement notice is served, appeal to the court.
- (2) On an appeal under this section, the court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.
- (3) Where an appeal is brought under this section against an improvement notice, the bringing of the appeal shall have the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

### **9F Provision as to offences.**

- (1) It is an offence for a person to contravene any requirement imposed by an improvement notice.
- (2) Any person guilty of an offence under subsection (1) above shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine, or imprisonment for a term not exceeding two years, or both.”
- (2) In section 14(1) of the principal Act (exercise of certain powers of fire authority in Scotland where building standards regulations as to means of escape apply), for the words “or 8” there shall be substituted the words “, 8 or (in relation to premises to which section 9A applies) 9D(1) and (2) ”.
- (3) In section 17(1) of the principal Act (duty of fire authorities to consult other authorities before requiring alterations to buildings), in paragraph (b), after the words “section 8(4) or (5)” there shall be inserted the words “, section 9D ” and after the words “would have to be taken” there shall be inserted the words “ or, in the case of a notice under section 9D, which must be taken ”.
- (4) 1984, (which modifies the effect of initial notices under that Act for the purposes of the exercise of powers of a fire authority to require structural alterations where building regulations apply)—
  - (a) after the words “For the purposes of” there shall be inserted the words “ section 9D and ”; and
  - (b) in paragraph (b), after the words “the references in” there shall be inserted the words “ subsection (4)(b) of section 9D and ” and for the words “that section” there shall be substituted the words “ section 13 ”.

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*Interim duties as to safety of premises*

**8 Duties as regards safety pending determination of applications for fire certificates.** **E+W+S**

(1) The following amendments shall be made in section 5 (applications for fire certificates) and section 7 (offences) of the principal Act.

(2) In section 5—

- (a) in subsection (2), after the words “fire authority”, there shall be inserted the words “ shall notify the applicant of his duties under subsection (2A) below and ”; and
- (b) after subsection (2) there shall be inserted the following subsection—

“(2A) Where an application is made for a fire certificate with respect to any premises it is the duty of the occupier to secure that, when the application is made and pending its disposal—

- (a) the means of escape in case of fire with which the premises are provided can be safely and effectively used at all material times;
- (b) the means for fighting fire with which the premises are provided are maintained in efficient working order; and
- (c) any persons employed to work in the premises receive instruction or training in what to do in case of fire.”

(3) In section 7, after subsection (3), there shall be inserted the following subsection—

“(3A) If, pending the disposal of an application for a fire certificate with respect to any premises, the premises are put to a designated use, then, if any requirement imposed by section 5(2A) of this Act is contravened by reason of anything done or not done to or in relation to any part of the relevant building, the occupier shall be guilty of an offence.”

(4) In section 7, after subsection (5), there shall be inserted the following subsection—

“(5A) A person guilty of an offence under subsection (3A) above shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”

*Premises involving serious risk to persons*

**9 Special procedure in case of serious risk: prohibition notices.** **E+W+S**

(1) For section 10 of the principal Act (court’s power to prohibit or restrict use of certain premises until excessive risk to persons in case of fire is reduced) there shall be substituted the following section—

**“10 Special procedure in case of serious risk: prohibition notices.**

(1) This section applies to—

- (a) any premises which are being or are proposed to be put to a use (whether designated or not) which falls within at least one of the classes of use mentioned in section 1(2) of this Act, other than premises of the description given in section 2 of this Act; and

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- (b) any premises to which section 3 of this Act for the time being applies.
- (2) If as regards any premises to which this section applies the fire authority are of the opinion that use of the premises involves or will involve a risk to persons on the premises in case of fire so serious that use of the premises ought to be prohibited or restricted, the authority may serve on the occupier of the premises a notice (in this Act referred to as “a prohibition notice”).
- (3) The matters relevant to the assessment by the fire authority, for the purposes of subsection (2) above, of the risk to persons in case of fire include anything affecting their escape from the premises in that event.
- (4) A prohibition notice shall—
- (a) state that the fire authority are of the opinion referred to in subsection (2) above;
  - (b) specify the matters which in their opinion give or, as the case may be, will give rise to that risk; and
  - (c) direct that the use to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.
- (5) A prohibition notice may include directions as to the steps which will have to be taken to remedy the matters specified in the notice.
- (6) A prohibition or restriction contained in a prohibition notice in pursuance of subsection (4)(c) above shall take effect immediately it is served if the authority are of the opinion, and so state in the notice, that the risk of serious personal injury is or, as the case may be, will be imminent, and in any other case shall take effect at the end of a period specified in the prohibition notice.
- (7) Where a prohibition notice has been served under subsection (2) above the fire authority may withdraw the notice at any time.”
- (2) After the section 10 of the principal Act substituted by subsection (1) above there shall be inserted the following sections—

**“10A Rights of appeal against prohibition notices.**

- (1) A person on whom a prohibition notice is served may, within twenty-one days from the date on which the prohibition notice is served, appeal to the court.
- (2) On an appeal under this section, the court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.
- (3) Where an appeal is brought under this section against a prohibition notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice, unless, on the application of the appellant, the court so directs (and then only from the giving of the direction).

**10B Provision as to offences.**

- (1) It shall be an offence for any person to contravene any prohibition or restriction imposed by a prohibition notice.

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- (2) In any proceedings for an offence under subsection (1) above where the person charged is a person other than the person on whom the prohibition notice was served, it shall be a defence for that person to prove that he did not know and had no reason to believe the notice had been served.
- (3) Any person guilty of an offence under subsection (1) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine, or imprisonment for a term not exceeding two years, or both.”
- (3) In section 43(1) of the principal Act (interpretation), after the definition of “prescribed” there shall be inserted the following definition—
- ““prohibition notice” has the meaning assigned by section 10(2) of this Act;”.

### *Inspections of premises*

PROSPECTIVE

#### **F110 Inspections of premises. E+W+S**

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#### **Textual Amendments**

- F1** Pt. 1 repealed (E. W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), [Sch. 4](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#)) and (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 2](#)

#### **11 Disclosure of information obtained in premises. E+W+S**

Section 21 of the principal Act (restriction on disclosure of information obtained in premises) shall be amended—

- (a) by the insertion, at the beginning, of the words “(1) Subject to subsection (2) below;”;
- (b) by the insertion, at the end, of the following subsections—

“(2) Nothing in subsection (1) above prohibits the disclosure of information to an enforcing authority within the meaning of the Health and Safety at Work etc. Act 1974 in order to enable that authority to discharge any function falling within its field of responsibility.

- (3) Section 18(7) of the Health and Safety at Work etc. Act 1974 (meaning in Part I of that Act of “enforcing authority” and of such an

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authority’s “field of responsibility”) shall apply for the purposes of this section as it applies for the purposes of that Part.”

#### *Civil and other liability*

### **12 Civil and other liability. E+W+S**

(1) After section 27 of the principal Act there shall be inserted the following section—

#### **“27A Civil and other liability.**

Except in so far as this Act otherwise expressly provides, and subject to section 18 of the Interpretation Act 1978 (offences under two or more laws), the provisions of this Act shall not be construed as—

- (a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of a provision of this Act, of any regulations thereunder or of any fire certificate or notice issued or served thereunder by the fire authority; or
- (b) affecting any requirement or restriction imposed by or under any other enactment whether contained in a public general Act or in a local or private Act; or
- (c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.”

(2) In consequence of subsection (1) above, section 43(2) of the principal Act shall be omitted.

#### *Miscellaneous*

### **13 Removal of exemption for premises used for public religious worship. E+W+S**

Premises appropriated to, and used solely or mainly for, public religious worship shall cease to be exempt from the requirement for a fire certificate if put to a designated use and accordingly—

- (a) in section 2 of the principal Act (exemptions), there shall be omitted the words from “of any of the following” to “premises” where last occurring; and
- (b) in section 12(1) (fire regulations), for the words “any description falling within any paragraph of” there shall be substituted the words “ the description given in ” and the words “other than paragraph (d)” shall be omitted.

### **14 Breaches of fire certificate requirements: restriction of defence. E+W+S**

In section 7(4) of the principal Act (offence of contravening fire certificate requirements except where person charged does not know of his responsibility), after the words “Provided that a person” there shall be inserted the words “ other than the occupier of the premises ”.

*Status: Point in time view as at 01/04/1996. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Fire Safety and Safety of Places of Sport Act 1987. (See end of Document for details)*

## 15 Automatic means for fighting fire. **E+W+S**

In section 5(3)(c) (fire authority to be satisfied regarding means for fighting fire before issuing a fire certificate with respect to any premises) and section 6(1)(d) (contents of a fire certificate regarding means for fighting fire) of the principal Act the words from “for use” to “the building” shall be omitted.

### Commencement Information

**I2** S. 15 wholly in force at 1.8.1993 see s. 50(2) and S.I. 1993/1411, art. 2, Sch.

## 16 Special provision for certain premises. **E+W+S**

(1) After section 28 of the principal Act there shall be inserted the following section—

### “28A Special provision for factory, office, railway and shop premises.

- (1) This Act shall have effect in relation to premises of the descriptions specified in Part I of Schedule 2 to this Act subject to the modifications specified in Part II of that Schedule.
  - (2) The Secretary of State may by order vary the provisions of that Schedule by amending, omitting or adding to the descriptions of premises or the modifications for the time being specified in it if it appears to him to be necessary or expedient in connection with any provision made by health and safety regulations under section 15 of the Health and Safety at Work etc. Act 1974.
  - (3) The power to make an order under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) After the Schedule to the principal Act, which shall become Schedule 1 to that Act, there shall be inserted as Schedule 2 to that Act the Schedule set out in Schedule 1 to this Act.
- (3) In the principal Act—
- (a) in section 34 (modification of certain enactments relating to Scotland) for the words “the Schedule” there shall be substituted the words “Schedule 1”; and
  - (b) in section 43(1) (definitions) in the definition of “the court” the words “and the Schedule thereto” shall cease to have effect.

## 17 Extension of power to apply Act. **E+W+S**

Section 35 of the principal Act (power for Secretary of State to apply Act to vessels and movable structures) shall be amended by the insertion, at the end of paragraph (b), of the words “; and

(c) places of work in the open air of any prescribed description.”

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## 18 Application to Crown etc. **E+W+S**

- (1) Section 40 of the principal Act (application of Act to Crown etc.) shall have effect with the following amendments.
- (2) In subsection (1)(a) (provisions applying to premises occupied by the Crown) after “4” there shall be inserted “ 5(2A), 5A, 5B, ” and for the words “9A (except subsection (4))” there shall be substituted the words “ 9A (except subsections (3) and (4)), 9B and 9C ”.
- (3) In subsection (1)(b) (provisions applying to premises owned but not occupied by the Crown), after “8” there shall be inserted “ 8A, 8B, ”, after “9A” there shall be inserted “ 9B, 9C, 9D, 9F, ” and after “10,” there shall be inserted “ 10B, ”.
- (4) After subsection (10A), there shall be inserted the following subsection—
  - “(10B) This Act shall apply to premises occupied by the National Radiological Protection Board as if they were premises occupied by the Crown.”

## PART II **E+W+S**

### SAFETY OF SPORTS GROUNDS

#### Extent Information

- E2** Except as provided by an order under section 50 subsection (5) Part II of this Act does not extend to the Isles of Scilly.

*Application of <sup>M2</sup>Safety of Sports Grounds Act 1975 to all sports grounds*

#### Marginal Citations

- M2** 1975 c. 52.

## 19 Application of Safety of Sports Grounds Act 1975 to all sports grounds. **E+W+S**

- (1) For the purpose of extending the provisions of the Safety of Sports Grounds Act 1975 (in this Part referred to as “the principal Act”) which apply to sports stadia to other sports grounds and making a minor correction the amendments to the principal Act specified in Schedule 2 to this Act shall have effect.
- (2) In consequence of those amendments the following other amendments of the principal Act shall be made, that is to say—
  - (a) for section 2(2) (obligatory terms of safety certificates) there shall be substituted the following subsection—
    - “(2) In so far as an order under section 15A below so requires as respects any class of sports ground, a safety certificate shall include such terms and conditions as may be provided for in the order.”;

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- (b) section 15 (power of Secretary of State to extend the principal Act to other classes of sports grounds) shall cease to have effect;
- (c) there shall be inserted as section 15A the following section—

**“15A Power to modify Act for classes of grounds.**

- (1) The Secretary of State may, as respects any specified class of sports ground, by order modify the provisions of this Act (except section 1(1) above) in their application to sports grounds of that class.
- (2) An order under this section may—
  - (a) make different modifications in relation to different activities at the same class of ground; and
  - (b) include such supplementary and transitional provision as the Secretary of State thinks expedient.”; and
- (d) in section 18 (orders and regulations), after subsection (1), there shall be inserted the following subsection—

“(1A) Regulations under any provision of this Act may make different provision for different classes of sports ground.”

*Designation: spectator capacity*

**20 Designation of grounds; variation in qualifying spectator capacity. E+W+S**

After section 1(1) of the principal Act (designation of sports grounds with spectator capacity of more than 10,000) there shall be inserted the following subsections—

- “(1A) The Secretary of State may by order substitute, for the number for the time being specified in subsection (1) above, such other number as he considers appropriate; but no order made under this subsection shall affect the validity of any designation previously made.
- (1B) An order under subsection (1A) above may make different substitutions for different classes of sports ground.”

*Safety certificates*

**21 Safety certificates: police presence. E+W+S**

In section 2 of the principal Act (contents of safety certificates), after subsection (2), there shall be inserted the following subsection—

- “(2A) No condition of a safety certificate shall require the provision of the services at the ground of any members of a police force unless the extent of the provision of their services is reserved for the determination of the chief officer of police of the force.”



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## 22 Safety certificates: appeals. **E+W+S**

- (1) Section 5 of the principal Act (appeals to Secretary of State against determinations etc. of local authority) shall have effect with the amendments specified in subsections (2) to (6) below.
- (2) In subsections (1), (2) and (3) for the words “Secretary of State” wherever occurring, there shall be substituted the word “ court ”.
- (3) After subsection (3) there shall be inserted the following subsections—
  - “(3A) An appeal to the court under this section in England and Wales shall be by way of complaint for an order, the making of the complaint shall be deemed to be the bringing of the appeal and the Magistrates’ Courts Act 1980 shall apply to the proceedings.
  - (3B) An appeal to the court under this section in Scotland shall be by summary application.
  - (3C) In England and Wales any of the following persons may appeal to the Crown Court against an order under this section, namely—
    - (a) the local authority; and
    - (b) any interested party.
  - (3D) In Scotland any of the following persons may appeal against an order made in an appeal under this section, namely—
    - (a) the local authority; and
    - (b) any interested party,notwithstanding that that person was not party to the proceedings on the application.”
- (4) Subsection (4) shall be omitted.
- (5) In subsection (5), for the words “subsections (3) and (4) above”, there shall be substituted the words “ this section ”.
- (6) Subsections (6), (7) and (8) shall be omitted.
- (7) In section 6(1) of the principal Act (power to make regulations) for paragraph (c) (appeals), there shall be substituted the following paragraph—
  - “(c) prescribe the time within which appeals under section 5 above are to be brought.”
- (8) In section 7 of the principal Act (supplementary provisions relating to determinations and appeals)—
  - (a) in subsection (1), for the words from “person” to the end of paragraph (b) there shall be substituted the words “ applicant for a safety certificate, he shall be deemed to have withdrawn his application ” and for the words after “section 6 above”, there shall be substituted the words “ an appeal against the authority’s determination may be brought. ”;
  - (b) for subsection (2), there shall be substituted the following subsection—
    - “(2) Subsection (1) above shall not have effect if an appeal is brought before the expiry of the period there mentioned, but if the appeal is withdrawn or the court upholds the authority’s determination, the

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- appellant shall be deemed to have withdrawn his application on the date of the withdrawal of his appeal or of the court’s determination.”;
- (c) in subsection (3), for the words “notice is given of an appeal” there shall be substituted the words “ an appeal is brought ”, the words “, subject to subsection (4) below,” shall be omitted and for the words “Secretary of State” there shall be substituted the word “ court ”; and
  - (d) subsections (4) and (5) shall be omitted.

*Grounds involving serious risk to spectators*

**23 Special procedure in case of serious risk: prohibition notices. E+W+S**

- (1) For section 10 of the principal Act (emergency procedure by magistrates’ court order), there shall be substituted the following section—

**“10 Special procedure in case of serious risk: prohibition notices.**

- (1) If the local authority are of the opinion that the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted, the authority may serve a notice (in this Act referred to as a “prohibition notice”) on such persons as are specified in subsection (6) below.
- (2) A prohibition notice shall—
  - (a) state that the local authority are of that opinion;
  - (b) specify the matters which in their opinion give or, as the case may be, will give rise to that risk; and
  - (c) direct that no, or no more than a specified number of, spectators shall be admitted to, or to a specified part of, the sports ground until the specified matters have been remedied.
- (3) A prohibition notice may prohibit or restrict the admission of spectators generally or on a specified occasion.
- (4) A prohibition notice may include directions as to the steps which will have to be taken to reduce the risk to a reasonable level and these may require alterations or additions to the ground or things to be done or omitted which would contravene the terms or conditions of a safety certificate for the ground or for any stand at the ground.
- (5) No prohibition notice shall include directions compliance with which would require the provision of the services at the sports ground of any members of a police force unless the chief officer of police of the force has consented to their inclusion and the extent of the provision of their services is reserved for his determination.
- (6) A prohibition notice shall be served on the persons specified in the following paragraphs in the circumstances specified in those paragraphs, that is to say—
  - (a) if a general safety certificate is in operation for the ground, on the holder of it;

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- (b) if the prohibition or restriction applies to an occasion in respect of which a special safety certificate for the ground is in operation, on the holder of it;
- (c) if no safety certificate is in operation for the ground, on the person who appears to the local authority to be responsible for the management of the ground;
- (d) if the prohibition or restriction applies to an occasion and no safety certificate is in operation for the ground, on each person who appears to the local authority to be responsible for organising an activity at the ground on that occasion;
- (e) if a general safety certificate is in operation for a stand at the ground, on the holder of it;
- (f) if the prohibition or restriction applies to an occasion in respect of which a special safety certificate for a stand at the ground is in operation, on the holder of it;

but the validity of a prohibition notice served on any person under any of the foregoing provisions shall not be affected by a failure to serve another person required to be served with such a notice under those provisions.

- (7) A prohibition or restriction contained in a prohibition notice shall take effect immediately it is served if the authority are of the opinion, and so state in the notice, that the risk to spectators is or, as the case may be, will be imminent, and in any other case shall take effect at the end of a period specified in the notice.
  - (8) A copy of any prohibition notice shall be sent by the local authority to each of the following, namely—
    - (a) the chief officer of police; and
    - (b) where the local authority is in Greater London or a metropolitan county, the fire authority, or, in any other case, the building authority.
  - (9) The local authority who have served a prohibition notice may, in any case where it appears appropriate to them to do so, amend the prohibition notice by notice served on the persons specified in subsection (6) above (subject to the saving in that subsection), and copies shall be sent to the officer and authorities specified in subsection (8) above.
  - (10) A notice under subsection (9) above amending a prohibition notice shall specify the date on which the amendment is to come into operation.
  - (11) Where a notice has been served under subsection (1) or (9) above the local authority may withdraw the notice at any time.”
- (2) In consequence of those amendments section 12 of the principal Act (offences) shall be amended as follows—
- (a) in subsection (1)(d) (contravention of certificate terms), after the word “contravened” there shall be inserted the words “ otherwise than in pursuance of a prohibition notice ”;
  - (b) in subsection (1)(e) (admission of spectators in contravention of section 10 order), for the words “an order” there shall be substituted the words “ a prohibition notice ”; and
  - (c) in subsection (4) (due diligence defence) for the word “order” there shall be substituted the words “ prohibition notice ”.

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- (3) In section 17(1) (definitions)—
- (a) after the definition of “qualified person” there shall be inserted the following—
- ““prohibition notice” has the meaning assigned to it by section 10(1);”, and
- (b) in the definition of “safety certificate”, after the word “certificate” there shall be inserted the words “, except with reference to a stand at a sports ground,” and at the end there shall be inserted the words “ and, where it refers to a stand, means a safety certificate (whether general or special) under Part III of the Fire Safety and Safety of Places of Sport Act 1987 ”.

## 24 **Prohibition notices: appeals.** E+W+S

After section 10 of the principal Act there shall be inserted the following section—

### “10A Appeals against prohibition notices.

- (1) Any person aggrieved by a prohibition notice may appeal to the court against the notice if he does so within such period as the Secretary of State may by regulations prescribe.
- (2) Subsection (1) above applies to any amendment of a prohibition notice as it applies to the prohibition notice in its original form.
- (3) An appeal to the court under this section in England and Wales shall be by way of complaint for an order, the making of the complaint shall be deemed to be the bringing of the appeal and the Magistrates’ Courts Act 1980 shall apply to the proceedings.
- (4) An appeal to the court under this section in Scotland shall be by summary application.
- (5) On an appeal under subsection (1) above, the court may either cancel or affirm the notice or, in the case of an appeal against an amendment, annul or affirm the amendment and, if it affirms the notice or the notice as amended, as the case may be, may do so either in its original form or as amended, as the case may be, or with such modifications of the notice as the court may in the circumstances think fit.
- (6) Where an appeal is brought under this section against a prohibition notice or an amendment of it, the bringing of the appeal shall not have the effect of suspending the operation of the notice or the notice as amended, as the case may be.
- (7) In England and Wales any of the following persons may appeal to the Crown Court against an order under this section, namely—
  - (a) any person aggrieved by the notice;
  - (b) the local authority;
  - (c) the chief officer of police; and
  - (d) where the local authority is in Greater London or a metropolitan county, the fire authority, or, in any other case, the building authority.

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- (8) In Scotland any of the following persons may appeal against an order made in an appeal under this section, namely—
- (a) any person aggrieved by the notice;
  - (b) the local authority;
  - (c) the chief officer of police; and
  - (d) the building authority;
- notwithstanding that that person was not party to the proceedings on the application.
- (9) The persons who are, for the purposes of this section, “aggrieved” by a prohibition notice are the persons on whom, in accordance with section 10(6) of this Act, the notice is required to be served.”

*Enforcement: inspections and obstruction*

**25 Enforcement: inspections and offence of obstruction. E+W+S**

- (1) After the section 10A of the principal Act inserted by section 24 above there shall be inserted the following section—

**“10B Enforcement.**

- (1) It shall be the duty of every local authority to enforce within their area the provisions of this Act and of regulations made under it and for that purpose to arrange for the periodical inspection of designated sports grounds; but nothing in this subsection shall be taken to authorise a local authority in Scotland to institute proceedings for an offence.
  - (2) In performing the duty imposed by subsection (1) above so far as it requires designated sports grounds in their areas to be inspected, local authorities shall act in accordance with such guidance as the Secretary of State may give them.
  - (3) For the purposes of subsection (1) above, “periodical” means at least once every twelve months.”
- (2) In section 12(6)(d) of the principal Act (obstruction of person exercising powers of entry and inspection under that Act to constitute an offence), for the word “wilfully” there shall be substituted the word “intentionally”.

**<sup>F2</sup>PART III E+W+S**

**SAFETY OF STANDS AT SPORTS GROUNDS**

**Textual Amendments**

- F2** Except as provided by an order under section 50 subsection (5) Part III of this Act does not extend to the Isles of Scilly

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**Modifications etc. (not altering text)**

**C1** Part III (ss. 26–41) applied by [Finance Act 1989 \(c. 26, SIF 40 : 1 : 2, 63 : 1 : 2, 65, 96, 98 : 5, 99 : 3, 107 : 2, 110, 114\)](#) s. 119(2)(4) and by [Capital Allowance Act 1990 \(c. 1, SIF 63 :1\)](#), **s. 70(5)**

**26 Safety certificates for stands at sports grounds. E+W+S**

- (1) This Part applies in relation to a sports ground which—
  - (a) provides covered accommodation in stands for spectators, and
  - (b) is not a designated sports ground.
- (2) A certificate under this Part (referred to as 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 covered 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 Secretary of State may by order amend subsection (2) above by substituting a smaller number for the number for the time being specified in it.
- (4) The power to make an order under subsection (3) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) 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”.
- (6) It shall be the function of the local authority to determine whether any, and if so, which of the stands at a sports ground in their area is a regulated stand, and to issue safety certificates.
- (7) In determining whether any stand at a sports ground in their area is a regulated stand the local authority may apply any criteria which are appropriate for that purpose.
- (8) In discharging their function of determination as respects the stands at sports grounds in their areas, local authorities shall act in accordance with such guidance as the Secretary of State may give them.
- (9) A final determination of a local authority that a stand at a sports ground is a regulated stand shall be conclusive of the question subject only to an appeal under section 30 below.
- (10) 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 Part 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.
- (11) In this Part—

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“final”, in relation to a determination, is to be construed in accordance with section 28 below;

“general safety certificate” means such a safety certificate for a stand as is mentioned in subsection (10)(a) above;

“special safety certificate” means such a safety certificate for a stand as is mentioned in subsection (10)(b) above; and

“stand”, in relation to a sports ground, means an artificial structure (not merely temporary) which provides accommodation for spectators and is wholly or partly covered by a roof, and, in relation to the number of spectators in a stand provided with covered accommodation, “covered” means covered by the roof or other part of the structure which constitutes the stand.

## 27 Contents of safety certificates for stands. **E+W+S**

- (1) A safety certificate for a regulated stand shall contain such terms and conditions as the local authority consider 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 section 39 below 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 members of a police force unless the extent of the provision of their services is reserved for the determination of the chief officer of police of the force.
- (4) Without prejudice to subsection (1) above, a safety certificate for a regulated stand may include a condition that the following records shall be kept—
  - (a) records of the number of spectators accommodated in covered accommodation in the stand; and
  - (b) records 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 section 6(2) of the <sup>M3</sup>Safety of Sports Grounds Act 1975.

### Marginal Citations

M3 1975 c. 52.

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## 28 Issue of certificates. **E+W+S**

- (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, that is to say—
  - (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 local authority for an area shall, in respect of any stand at a sports ground in their area which appears to them to be a regulated stand, make a preliminary determination whether or not that stand is a regulated stand and, if they determine that it is, they shall serve a notice on the person who appears to them to qualify for the issue of a general safety certificate stating their determination and the effects of it.
- (3) Subject to subsection (4) below, 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 of it.
- (4) A local authority may revoke a determination of theirs that a stand at a sports ground is a regulated stand—
  - (a) at any time before it becomes final, or
  - (b) on considering an application for a general safety certificate for the stand, whether the determination has or has not become final.
- (5) A local authority may, at any time before a determination of theirs that a stand at a sports ground is a regulated stand becomes final, withdraw the notice of it and serve a further notice under subsection (2) above on another person, but if they do 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.
- (6) If a local authority receive an application for a general safety certificate for a regulated stand at a sports ground in their area, it shall be their duty—
  - (a) if they have not already done so, to determine whether the stand is a regulated stand and, if they determine that it is, to determine whether the applicant is the person who qualifies for the issue of the general safety certificate for it;
  - (b) if they have made a determination that the stand is a regulated stand and do not decide to revoke it, to determine whether the applicant is the person who qualifies for the issue of the general safety certificate for it;
 and a determination made under paragraph (a) above that a stand is a regulated stand is, when made, a final determination.
- (7) If the local authority, on an application made under subsection (6) above in relation to a stand which they have determined or determine is a regulated stand, determine that the applicant is the person who qualifies for the issue of the general safety certificate they shall (if no such certificate is in operation) issue to him such a certificate.
- (8) If a local authority receive an application for a special safety certificate for a regulated stand at a sports ground in their area as respects which stand a general safety certificate is in operation, it shall be their duty to determine whether the applicant qualifies for the issue of a special safety certificate for it and, if they determine that he does, they may issue to him a special safety certificate.



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- (9) The local authority shall, if they determine that an applicant for a safety certificate does not qualify for the issue of the certificate, serve on him a notice stating their determination.
- (10) The local authority shall send a copy of an application for a safety certificate for a regulated stand at a sports ground to the chief officer of police and where the local authority is in [<sup>F3</sup>Wales,] Greater London or a metropolitan county, the fire authority or, in any other case, the building authority for the area in which it is situated, and shall consult them about the terms and conditions to be included in the certificate.
- (11) The local authority may, by notice, require an applicant for a safety certificate to furnish them within such reasonable time as they may specify in the notice with such information and such plans of the ground as they consider necessary for the purpose of discharging their functions in respect of the issue of safety certificates for the regulated stands at the ground.
- (12) If an applicant for a safety certificate fails to comply with a requirement under subsection (11) above within the time specified by the local authority, or within such further time as they may allow, he shall be deemed to have withdrawn his application.

#### Textual Amendments

- F3** Word in s. 28(10) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 81(1)(a)** (with ss. 54(5)(7), 55(5)Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

## 29 Amendment, cancellation etc. of certificates. **E+W+S**

- (1) The local authority who have issued a safety certificate for a regulated stand at a sports ground—
  - (a) shall, if at any time it appears to them 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 them 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 subsection (1) above either on the application of the holder or without such an application.
- (3) Section 27 above shall apply on the amendment or replacement of a safety certificate.
- (4) A notice under subsection (1)(b) above 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 local authority receive an application for the transfer of a safety certificate for a regulated stand at a sports ground from the holder to some other person it shall be their duty to determine whether that person would, if he made an application for the purpose, qualify for the issue of the certificate; and if they determine that he would, they may transfer the certificate to him and shall in any case notify him of their determination.
- (6) An application under subsection (5) above 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.

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- (7) The local authority shall send a copy of an application for the transfer of a safety certificate for a regulated stand at a sports ground to the chief officer of police and where the local authority is in [<sup>F4</sup>Wales,] Greater London or a metropolitan county the fire authority or, in any other case, the building authority for the area in which it is situated.
- (8) The local authority shall consult the chief officer of police and where the local authority is in [<sup>F4</sup>Wales,] Greater London or a metropolitan county, the fire authority or, in any other case, the building authority about any proposal to amend, replace or transfer a safety certificate.
- (9) The holder of a safety certificate may surrender it to the local authority, and it shall thereupon cease to have effect.
- (10) The local authority may cancel a safety certificate if the holder dies or (if a body corporate) is dissolved.

#### Textual Amendments

**F4** Words in s. 29(7)(8) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 81(1)(b)** (with ss. 54(5)(7), 55(5) Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

### 30 Appeals. **E+W+S**

- (1) A person who has been served with a notice of a determination, which is or has become a final determination, of a local authority 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 local authority 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 local authority to amend or replace a safety certificate for a regulated stand at a sports ground.
- (5) Any appeal under this section shall be brought within the period prescribed under section 31 below.
- (6) An appeal to the court under this section in England and Wales shall be by way of complaint for an order, the making of the complaint shall be deemed to be the bringing of the appeal and the Magistrates' Courts Act 1980 shall apply to the proceedings.
- (7) An appeal to the court under this section in Scotland shall be by summary application.
- (8) In this section “interested party”, in relation to a safety certificate, includes—

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- (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 officer of police; and
  - (d) where the local authority is in [<sup>F5</sup>Wales,]Greater London or a metropolitan county, the fire authority or, in any other case, the building authority.
- (9) Subject to subsection (10) below, if a local authority serve on any applicant for a safety certificate a notice of a determination of theirs 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 subsection (5) above, be brought.
- (10) Subsection (9) above shall not have effect if an appeal is brought before the expiry of the period referred to in that subsection, but if the appeal is withdrawn or the court upholds the authority'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.
- (11) 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 operation of that term or condition shall be suspended until the court has determined the appeal.
- (12) In England and Wales any of the following persons may appeal to the Crown Court against an order under this section, namely—
- (a) the local authority; and
  - (b) any interested party.
- (13) In Scotland any of the following persons may appeal against an order under this section, namely—
- (a) the local authority; and
  - (b) any interested party,
- notwithstanding that that person was not party to the proceedings on the application.

#### Textual Amendments

**F5** Word in s. 30(8)(d) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 81(1)(c)** (with ss. 54(5) (7), 55(5))Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

## 31 Regulations. **E+W+S**

- (1) The Secretary of State may by regulations—
- (a) prescribe the procedure (subject to the provisions of this Part) for the issue, cancellation, amendment, replacement and transfer of safety certificates for regulated stands at sports grounds and the particulars to be given in applications for their issue, amendment, replacement or transfer;
  - (b) authorise local authorities to determine, subject to such limits or in accordance with such provisions as may be prescribed by the regulations, the fees (if any) to be charged in respect of applications for the issue, amendment, replacement or transfer of safety certificates or in respect of applications for the cancellation of safety certificates for stands which have ceased to be regulated stands; and

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- (c) prescribe the time within which appeals under section 30 above are to be brought.
- (2) Regulations under this section may contain such incidental and supplementary provisions as the Secretary of State thinks expedient.
- (3) The power to make regulations under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) It shall be the duty of the Secretary of State, before making regulations under this section, to consult with such persons or bodies of persons as appear to him requisite.
- 32 Alterations and extensions. E+W+S**
- (1) If while a general safety certificate for a regulated stand at a sports ground is in operation it is proposed to alter or extend the stand or its installations, and the alteration or extension is likely to affect the safety of persons in the stand, the holder of the certificate shall, before the carrying out of the proposals is begun, give notice of the proposals to the local authority.
- (2) Subsection (1) above in particular requires notice when it is proposed to alter the entrances to or exits from a regulated stand at a sports ground (including any means of escape in case of fire or other emergency) or the means of access to any such entrances or exits.
- 33 Exclusion of other statutory requirements. E+W+S**
- (1) While a general safety certificate is in force under this Part for a regulated stand at a sports ground, the following provisions shall not apply to the stand, that is to say—
- (a) section 37(1) of the <sup>M4</sup>Public Health Acts Amendment Act 1890 (platforms for public occasions);
  - (b) any provision of the <sup>M5</sup>Fire Precautions Act 1971 or of a fire certificate issued under that Act in so far as it relates to any matter in relation to which requirements are imposed by the terms and conditions of the safety certificate;
  - (c) section 89 of the <sup>M6</sup>Civic Government (Scotland) Act 1982 (which makes provision as to the safety of platforms, stands and similar structures) in so far as that section relates to any matter in relation to which requirements are imposed by the terms and conditions of the safety certificate;
  - (d) sections 24 and 71 of the <sup>M7</sup>Building Act 1984 (exits, entrances etc. in the case of certain public and other buildings); and
  - (e) any provision of a local Act in so far as it relates to any matter in relation to which requirements are imposed by the terms and conditions of the safety certificate.
- (2) Where an enactment provides for the licensing of premises of any class or description and the authority responsible for licences thereunder is required or authorised to impose terms, conditions or restrictions in connection with such licences, then, so long as there is in operation with respect to the premises a safety certificate under this Part covering the use of the premises by reason of which a licence under that enactment is required, any term, condition or restriction imposed with respect to those premises in connection with any licence under that enactment shall be of no effect in so far as it

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relates to any matter in relation to which requirements are imposed by the terms and conditions of the certificate under this Part.

- (3) A person required by or under a local Act to do anything that would involve a contravention of the terms or conditions of a safety certificate under this Part shall not be treated as having contravened that Act if he fails to do it.

#### Marginal Citations

- M4** 53 & 54 Vict. c. 59.  
**M5** 1971 c. 40.  
**M6** 1982 c. 45.  
**M7** 1984 c. 55.

### 34 Enforcement. **E+W+S**

- (1) It shall be the duty of every local authority to enforce within their area the provisions of this Part and for that purpose to arrange for the periodical inspection of sports grounds at which there are regulated stands, but nothing in this subsection shall be taken to authorise a local authority in Scotland to institute proceedings for an offence.
- (2) In performing the duty imposed by subsection (1) above so far as it requires sports grounds in their areas to be inspected, local authorities shall act in accordance with such guidance as the Secretary of State may give them.

### 35 Powers of entry and inspection. **E+W+S**

A person authorised by—

- (a) the local authority,  
(b) the chief officer of police, or  
(c) where the local authority is in [<sup>F6</sup>Wales,]Greater London or a metropolitan county, the fire authority or, in any other case, the building authority,

may, on production if so required of his authority, enter a sports ground at any reasonable time, and make such inspection of the stands and such inquiries relating to them as he considers necessary for the purposes of this Part, and in particular may examine records of the number of spectators accommodated, and the maintenance of safety, in the regulated stands at the ground, and take copies of such records.

#### Textual Amendments

- F6** Word in s. 35(c) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 81(1)(d)** (with ss. 54(5)(7), 55(5)Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

### 36 Offences. **E+W+S**

- (1) Subject to subsections (2), (5) and (6) below, 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

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- (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) No offence under subsection (1)(a) above 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.
- (3) In subsection (1) above “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.
- (4) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.
- (5) Where any person is charged with an offence under subsection (1) above 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 subsection (1)(a) above 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—
- (a) in purporting to carry out a requirement under section 28(11) above or for the purpose of procuring a safety certificate or the cancellation, amendment, replacement or transfer of a safety certificate, knowingly or recklessly makes a false statement or knowingly or recklessly produces, furnishes, signs or otherwise makes use of a document containing a false statement; or
  - (b) fails to give a notice required by section 32(1) above; or
  - (c) intentionally obstructs any person in the exercise of powers under section 35 above, or without reasonable excuses refuses, neglects or otherwise fails to answer any question asked by any person in the exercise of such powers,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in that capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

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- (9) Where the affairs of a body corporate are managed by its members, subsection (8) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

**37 Civil and other liability. E+W+S**

Except in so far as this Part otherwise expressly provides, and subject to section 18 of the Interpretation Act 1978 (offences under two or more laws), the provisions of this Part shall not be construed as—

- (a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Part or of any of the terms or conditions of a safety certificate thereunder; or
- (b) affecting any requirement or restriction imposed by or under any other enactment whether contained in a public general Act or in a local or private Act; or
- (c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Part.

**38 Service of documents. E+W+S**

- (1) Any notice or other document required or authorised by or by virtue of this Part to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.
- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of section 7 of the Interpretation Act 1978 (service of documents) in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate shall be that of the registered or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any case shall be the last known address of the person to be served.

**39 Power to modify Part for classes of stand. E+W+S**

- (1) The Secretary of State may, as respects any specified class of stand at sports grounds, by order modify the provisions of this Part in their application to stands of that class.
- (2) An order under this section may—
  - (a) make different modifications in relation to different activities taking place at sports grounds; and
  - (b) include such supplementary and transitional provision as the Secretary of State thinks expedient.
- (3) The power to make an order under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) It shall be the duty of the Secretary of State, before making an order under this section, to consult with such persons or bodies of persons as appear to him requisite.

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#### 40 Application to Crown. **E+W+S**

- (1) Sections 26 to 29 above bind the Crown, but shall have effect, in relation to premises occupied by the Crown, with the substitution of a reference to the Secretary of State for any reference to the local authority.
- (2) Nothing in this Part shall be taken to authorise the entry of premises occupied by the Crown.

#### 41 Interpretation. **E+W+S**

In this Part—

“the building authority” means-

- (a) in England outside Greater London and the metropolitan counties, <sup>F7</sup>. . . the district council;
- (b) in Scotland, the local authority within the meaning of the <sup>M8</sup>Building (Scotland) Act 1959;

“the court” means, in relation to a sports ground in England and Wales, a magistrates’ court acting for the petty sessions area in which it is situated and, in relation to a sports ground in Scotland, the sheriff court within whose jurisdiction it is situated;

“general safety certificate” has the meaning assigned to it by section 26(11) above;

“local authority” means-

- (a) in Greater London, the London borough council or the Common Council of the City of London;
- (b) in England, in the metropolitan counties, the district council;
- (c) in England outside Greater London and the metropolitan counties, <sup>F7</sup>. . . the county council;
- (cc) [<sup>F8</sup>in Wales, the county council or county borough council;]
- (d) in Scotland, the [<sup>F9</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“means of access” includes means of access from a highway or, in Scotland, from a road;

“notice” means a notice in writing;

“safety” does not include safety from danger inherent in participation in a sporting or competitive activity ;

“safety certificate” has the meaning assigned to it by section 26(2) above ;

“special safety certificate” has the meaning assigned to it by section 26(11) above;

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

“ sports ground” and “designated sports ground” have the same meaning as in the <sup>M9</sup>Safety of Sports Grounds Act 1975; and;

“ stand” has the meaning assigned to it by section 26(11) above; and  
 “regulated stand” has the meaning assigned to it by section 26(5) above.



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#### Textual Amendments

- F7** Words in s. 41 repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 81(2), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F8** S. 41(cc) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 81(2)** (with ss. 54(5)(7), 55(5) Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F9** Words in s. 41(d) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 153**; S.I. 1996/323, **art. 4(c)**

#### Marginal Citations

- M8** 1959 c. 24.  
**M9** 1975 c. 52.

## PART IV **E+W+S**

### INDOOR SPORTS LICENCES

#### *Licensing in England and Wales*

#### **42 Licensing of indoor sports premises in London. **E+W****

- (1) In Schedule 12 to the London Government Act 1963 (licensing of certain public entertainments in London), after paragraph 3 there shall be inserted the following paragraphs—

##### **Indoor sports licences**

- “3A (1) Subject to sub-paragraphs (2) and (3) below, no premises in a London borough or the City of London shall be used for any entertainment which consists of any sporting event to which the public are invited as spectators (a “sports entertainment”) except under and in accordance with the terms of a licence granted under this paragraph by the Council.
- (2) Sub-paragraph (1) above does not require a licence in respect of any occasion when the sporting event which constitutes the entertainment is not the principal purpose for which the premises are used on that occasion; but this provision does not apply in relation to a sports complex.
- (3) Sub-paragraph (1) above does not apply to a sports entertainment held in a pleasure fair.
- (4) The Council may grant to any applicant, and from time to time renew, a licence for the use of any premises specified in it for any sports entertainment on such terms and conditions and subject to such restrictions as may be so specified.
- (5) Subject to the next following sub-paragraph and to paragraph 19(3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10(4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council think fit.
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(6) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an “occasional sports licence”.

(7) Where a licence has been granted under this paragraph to any person the Council may if they think fit transfer that licence to any other person on the application of that other person or the holder of the licence.

(8) In this paragraph—

“premises” means any permanent or temporary building and any tent or inflatable structure and includes a part of a building where the building is a sports complex but does not include a part of any other building;

“sporting event” means any contest, exhibition or display of any sport;

“sports complex” means a building—

(a) which provides accommodation and facilities for both those engaging in sport and spectators, and

(b) the parts of which are so arranged that one or more sports can be engaged in simultaneously in different parts of the building; and

“sport” includes any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for purposes of competition or display, except dancing (in any form).

3B (1) An applicant for the grant, renewal or transfer of a licence under paragraph 3A of this Schedule other than an occasional sports licence shall give to the Council, to the commissioner of police in whose district the premises to which the application relates are situated and to the fire authority not less than twenty-one days’ notice of his intention to make the application.

(2) An applicant for the grant, renewal or transfer of an occasional sports licence shall give to the Council and the fire authority not less than fourteen days’ notice of his intention to make the application.

3C The person making an application for the grant, renewal or transfer of a licence under paragraph 3A of this Schedule shall on making the application pay to the Council such fee as the Council may fix”

(2) The consequential amendments of the said Schedule 12 specified in Schedule 3 to this Act shall also have effect.

#### 43 **Licensing of indoor sports premises outside London.** E+W

In Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licensing of certain public entertainments), for paragraph 2 (certain sports) there shall be substituted the following paragraph—

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- “2
- (1) Subject to sub-paragraphs (2) and (3) below, no premises shall be used for any entertainments which consists of any sporting event to which the public are invited as spectators (a “sports entertainment”) except under and in accordance with the terms of a licence granted under this paragraph by the appropriate authority.
  - (2) Sub-paragraph (1) above does not require a licence in respect of any occasion when the sporting event which constitutes the entertainment is not the principal purpose for which the premises are used on that occasion; but this provision does not apply in relation to a sports complex.
  - (3) Sub-paragraph (1) above does not apply to a sports entertainment held in a pleasure fair.
  - (4) The appropriate authority may grant to any applicant, and from time to time renew, a licence for the use of any premises specified in it for any sports entertainment on such terms and conditions and subject to such restrictions as may be so specified.
  - (5) The appropriate authority may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence.
  - (6) In this paragraph—
    - “premises” means any permanent or temporary building and any tent or inflatable structure and includes a part of a building where the building is a sports complex but does not include a part of any other building;
    - “sporting event” means any contest, exhibition or display of any sport;
    - “sports complex” means a building—
      - (a) which provides accommodation and facilities for both those engaging in sport and spectators, and
      - (b) the parts of which are so arranged that one or more sports can be engaged in simultaneously in different parts of the building; and
    - “sport” includes any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for purposes of competition or display, except dancing (in any form).”

### *Licensing in Scotland*

#### **44 Licensing of indoor sports premises in Scotland. S**

- (1) After section 41 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) there shall be inserted the following section—

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**“41A Indoor sports entertainment licences.**

- (1) Subject to subsection (2) below, a licence to be known as an “indoor sports entertainment licence” shall be required for the use of premises as a place of public sports entertainment.
- (2) Subsection (1) above shall not apply to any occasion on which the entertainment of the public by the sport is not the principal purpose for which the premises are used but this provision does not apply in relation to a sports complex.
- (3) Without prejudice to paragraph 5 of Schedule 1 to this Act, a licensing authority may attach conditions to an indoor sports entertainment licence—
  - (a) restricting the use of the premises to a specified kind or specified kinds of public sports entertainment;
  - (b) limiting the number of persons to be admitted to the premises;
  - (c) fixing the days and times when the premises may be open for the purposes of public sports entertainment.
- (4) In this section—
 

“premises” means any permanent or temporary building and any tent or inflatable structure and includes a part of a building where the building is a sports complex but does not include a part of any other building;

“public sports entertainment” means any sporting event to which the public are invited as spectators;

“sporting event” means any contest, exhibition or display of any sport;

“sports complex” means a building—

  - (a) which provides accommodation and facilities for both those engaging in sport and spectators; and
  - (b) the parts of which are so arranged that one or more sports can be engaged in simultaneously in different parts of the building; and

“sport” includes any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for purposes of competition or display, except dancing (in any form).”.
- (2) On and after the date of coming into force of this section an application made (but not decided) before that date for the grant or renewal of a licence for the use of premises as a place of public entertainment shall, where the entertainment for which the premises are to be used will be a public sports entertainment as mentioned in section 41A of the 1982 Act, be treated for all purposes as an application for a grant or renewal (as the case may be) of a licence under the said section 41A.
- (3) On and after the date of coming into force of this section a licence granted or renewed before that date for the use of premises as a place of public entertainment under section 41(2) of the 1982 Act shall, where the entertainment for which the premises are to be used will be a public sports entertainment as mentioned in section 41A of the 1982 Act, be deemed for all purposes to have been granted or renewed under the said section 41A.

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*Status:* Point in time view as at 01/04/1996. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Fire Safety and Safety of Places of Sport Act 1987. (See end of Document for details)

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- (4) In section 9 of the 1982 Act (which makes provision for licensing authorities to resolve when licensing is to be required) in subsection (1) after the words “to 43” there shall be inserted the words “ (except section 41A) ”.
- (5) In section 41 of the 1982 Act (which makes provision for public entertainment licences) in subsection (2) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) premises in respect of which a licence is required under section 41A of this Act while such premises are being used for the purposes mentioned in that section;”.

## PART V **E+W+S**

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

#### **45 Entertainment licences: removal of exemption. **E+W+S****

The Royal Albert Hall shall cease to be exempt from the requirement for a public entertainment licence under paragraph 1 of Schedule 12 to the London Government Act 1963.

#### **46 Entertainment licences: fees for variation. **E+W****

In Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licensing of certain public entertainments), after paragraph 16, there shall be inserted the following paragraph—

“16A An applicant for the variation of the terms, conditions or restrictions on or subject to which an entertainments licence is held shall pay a reasonable fee determined by the appropriate authority.”

#### **47 Luminous tube signs: England and Wales. **E+W****

In section 10 of the Local Government (Miscellaneous Provisions) Act 1982 (luminous tube signs of certain voltage to have firemen’s switches)—

- (a) in subsection (1), for the words “650 volts” there shall be substituted the words “ the prescribed voltage ”; and
- (b) after subsection (1), there shall be inserted the following subsections—

“(1A) In subsection (1) above “the prescribed voltage” means 1000 volts A.C. or 1500 volts D.C. if measured between any two conductors or 600 volts A.C. or 900 volts D.C. if measured between any conductor and earth.

(1B) The Secretary of State may, by order made by statutory instrument, substitute such different voltages for those for the time being specified in subsection (1A) above as appear to him to be appropriate for this

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purpose having regard to the current regulations of the Institution of Electrical Engineers.”

**48 Luminous tube signs: Scotland. S**

In section 98 of the Civic Government (Scotland) Act 1982 (power of Secretary of State to make regulations for safe operation of electrical luminous tube signs) in subsection (2) for the words “normally exceeding 650 volts” there shall be substituted the words “ of such description as may be specified in regulations made under subsection (1) above ”.

*General*

**49 Repeals and transitional and saving provisions. E+W+S**

- (1) Subject to subsection (2) below, the enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The transitional and saving provisions contained in Schedule 5 to this Act shall have effect.

**Commencement Information**

- I3** S. 49 partly in force; s. 49 not in force at Royal Assent see s. 50(2); s. 49(1) in force in relation to specified repeals: at 1.1.1988 by S.I. 1987/1762, art. 2, Sch.; at 1.6.1988 by S.I. 1988/485, art. 2, Sch.; at 1.4.1989 by S.I. 1989/75, art. 2, Sch.; at 1.8.1993 by S.I. 1993/1411, art. 2, Sch.

**50 Short title, commencement and extent. E+W+S**

- (1) This Act may be cited as the Fire Safety and Safety of Places of Sport Act 1987.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be so appointed for different provisions or for different purposes.
- (3) This Act does not extend to Northern Ireland and—
  - (a) in Part IV, sections 42 and 43 extend to England and Wales only and section 44 extends to Scotland only; and
  - (b) in Part V, sections 46 and 47 extend to England and Wales only and section 48 extends to Scotland only.
- (4) Except as provided by an order under subsection (5) below, Parts II and III of this Act do not extend to the Isles of Scilly.
- (5) The Secretary of State may by order direct that Parts II and III of this Act shall, subject to such exceptions, adaptations and modifications as may be specified in the order, extend to the Isles of Scilly.
- (6) An order under subsection (5) above may contain such incidental and consequential provisions, including provisions conferring powers or imposing duties on the Council of the Isles of Scilly, as the Secretary of State thinks necessary.

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(7) An order under subsection (5) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

**C2** Power of appointment conferred by s. 50(2) partly exercised: [S.I. 1987/1762](#), 1988/485, 626, 1806, 1989/75 and 1990/1984

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## SCHEDULES

### SCHEDULE 1 E+W+S

Section 16.

#### FIRE PRECAUTIONS: SPECIAL PROVISION FOR CERTAIN PREMISES

### “SCHEDULE 2 E+W+S”

#### SPECIAL PROVISION FOR CERTAIN PREMISES

### PART I E+W+S

#### The Premises

- 1 Subject to paragraph 2 below, the following are the descriptions of premises in relation to which this Act is subject to the modifications specified in relation to them in Part II—
  - (a) premises constituting, or forming part of, a factory within the meaning of the <sup>M10</sup>Factories Act 1961 and premises to which sections 123(1) and 124 of that Act (application to electrical stations and institutions) apply (in this Schedule referred to as “factory premises”);
  - (b) office premises within the meaning of the <sup>M11</sup>Offices, Shops and Railway Premises Act 1963, or premises deemed to be such premises for the purposes of that Act (in this Schedule referred to as “office premises”);
  - (c) railway premises within the meaning of that Act of 1963, or premises deemed to be such premises for the purposes of that Act (in this Schedule referred to as “railway premises”); and
  - (d) shop premises within the meaning of that Act of 1963, or premises deemed to be such premises for the purposes of that Act (in this Schedule referred to as “shop premises”).
- 2 Premises which are deemed to form part of a mine for the purposes of the <sup>M12</sup>Mines and Quarries Act 1954 are excluded from the descriptions of premises mentioned in subparagraphs (b) to (d) of paragraph 1 above.

### PART II E+W+S

#### The Modifications

- 3 (1) This paragraph applies to premises in respect of which a fire certificate is required which are factory premises, office premises, railway premises or shop premises, and which—
  - (a) are held under a lease or an agreement for a lease or under a licence and consist of part of a building all parts of which are in the same ownership; or
  - (b) consist of part of a building in which different parts are owned by different persons.
- (2) In relation to premises to which this paragraph applies this Act shall have effect with the following modifications.



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- (3) For the references to the occupier in sections 5(2A), 5A(4), 5A(6), 5A(8), 5B(3), 5B(4), 5B(5), 6(5), 7(1), 7(3A), 7(4), 8(2) (except paragraph (c) and the insertion made by sub-paragraph (5) below), 8(4), 8(5), 8(7), 8B(1), 9(5)(b), 9A(3), 9D(1) and 12(8)(b) there shall be substituted—
- (a) in the case of premises falling within sub-paragraph (1)(a) above, references to the owner of the building;
  - (b) in the case of premises falling within sub-paragraph (1)(b) above, references to the persons who between them own the building.
- (4) For the words “a fire certificate” where they occur in section 6(8) and where they first occur in section 7(6) there shall be substituted the words “ a copy of the fire certificate ” and in section 6(8) at the end of the subsection there shall be inserted the words “ and the fire certificate shall be sent to the owner of the building or, as the case may be, the person who owns the part of the building of which the premises consist. ”
- (5) In sections 8(2) and 8A(1) after the words “fire authority;” there shall be inserted the words “ and the occupier shall, before the carrying out of the proposals is begun, furnish to the persons responsible for giving notice of the proposals to the fire authority any information in his possession which is relevant to those proposals; ”.
- (6) In section 8A(1) for the references to the occupier (except the reference inserted by sub-paragraph (5) above) there shall be substituted—
- (a) in the case of premises—
    - (i) falling within sub-paragraph (1)(a) above; and
    - (ii) in relation to which it is intended to carry out proposals falling within subsection (2)(a) or (c) of that section,
  - (b) in the case of premises—
    - (i) falling within sub-paragraph (1)(b) above; and
    - (ii) in relation to which it is intended to carry out proposals falling within subsection (2)(a) or (c) of that section,
- (7) The expressions “owner of the building” and “the persons who between them own the building” do not include the Crown in the modifications made—
- (a) by sub-paragraph (3) above of sections 7(1), 8(7), 9A(3) and of the word “occupier” in the third place where it occurs in section 8(2); and
  - (b) by sub-paragraph (6) above of the word “occupier” in the second place where it occurs in section 8A(1).
- 4 In section 6(1) as it has effect in relation to factory premises there shall be inserted after paragraph (e) the following paragraph—
- (f) particulars as to any explosive or highly flammable materials which may be stored or used in the premises,
- 5 In section 8 as it has effect in relation to factory premises—
- (a) for paragraph (c) of subsection (2) there shall be substituted the following paragraph—
    - “(c) the occupier of the premises proposes to begin to store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use;”;
  - (b) in subsection (3) for the words from “keep explosive” to “that kind” there shall be substituted the words “ store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use ”.

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- 6 In section 8A as it has effect in relation to factory premises, for paragraph (b) of subsection (2) there shall be substituted the following paragraph—
- “(b) on the part of the occupier of the premises to begin to store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use;”
- 7 Where a licence issued under the <sup>M13</sup>Explosives Act 1875 or the <sup>M14</sup>Petroleum (Consolidation) Act 1928 is in force with respect to factory premises, office premises, shop premises, or railway premises, section 31 of this Act shall not have effect in relation to any term, condition or restriction imposed in connection with the issue, renewal, transfer or variation of such licence.
- 8 Where any premises (“the relevant premises”)—
- (a) are premises for which a fire certificate is required, premises for which a fire certificate is in force, premises to which section 9A of this Act applies or premises to which regulations under section 12 of this Act apply, and
- (b) are factory premises, office premises, shop premises or railway premises, section 28 shall apply to the premises or to any other premises comprised in the same building—
- (i) with the substitution of the foregoing words (reading “this section” for “section 28”) for subsection (1);
- (ii) with the insertion, in subsection (2)(a), after “8(5)” of “9D(1)”; and
- (iii) with the substitution, for subsection (2)(c) of the following—
- “(c) in order to secure compliance with section 9A or a provision of regulations under section 12 of this Act;”

#### Marginal Citations

**M10** 9 & 10 Eliz. 2 c. 34.

**M11** 1963 c. 41.

**M12** 2 & 3 Eliz. 2 c. 70.

**M13** 38 & 39 Vict. c. 17.

**M14** 18 & 19 Geo. V c. 32.

EXTENSION OF APPLICATION OF SAFETY OF  
SPORTS GROUNDS ACT 1975 TO SPORTS GROUNDS

Section	Amendment
Section 1(1).	For the words “a stadium”, substitute the words “ a sports ground ”.For the words “any sports stadium”, substitute the words “ any sports ground ”.
Section 1(2).	For the word “stadium”, wherever occurring, substitute the word “ ground ”.

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Section 1(3).	For the word “stadium”, wherever occurring, substitute the word “ sports ground ”.
Section 1(4).	For the words “ “designated stadium””, substitute the words “ “designated sports ground” ”.For the word “a stadium”, substitute the words “ a sports ground ”.
Section 2(1), (3) and (4).	For the word “stadium”, wherever occurring, substitute the words “ sports ground ”.
Section 3.	For the word “stadium”, wherever occurring, substitute the words “ sports ground ”.
Section 4(7).	For the word “stadium”, substitute the words “ sports ground ”.
Section 8.	For the word “stadium”, wherever occurring, substitute the words “ sports ground ”.
Section 9(1).	For the word “stadium”, substitute the words “ sports ground ”.
Section 9(1)(b).	For the words from “sections 168” to “relate”, substitute “ section 89 of the Civic Government (Scotland) Act 1982 (which makes provision as to the safety of platforms, stands and other structures), in so far as that section relates ”.
Section 12(1).	For the word “stadium”, wherever occurring, substitute the words “ sports ground ”.
Section 12(2).	Omit the words “stadium or other”.
Section 17(1).	For the words “ “designated stadium””, substitute the words “ “designated sports ground” ”.Omit the definition of “sports stadium”.

SCHEDULE 3 **E+W**

Section 42.

INDOOR SPORTS LICENCES

CONSEQUENTIAL AMENDMENTS

*Preliminary*

- 1 In this Schedule references to paragraphs are reference to paragraphs of Schedule 12 to the <sup>M15</sup>London Government Act 1963.

**Marginal Citations**

**M15** 1963 c. 33.

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*Status:* Point in time view as at 01/04/1996. This version of this Act contains provisions that are prospective.

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## AMENDMENTS

### *Music and dancing licences*

- 2 In paragraph 1, at the end, there shall be inserted the following sub-paragraph—  
“(7) In this paragraph “premises” includes any place.”

### *Boxing and wrestling licences*

- 3 In paragraph 4—
- (a) in sub-paragraph (1), after the words “which is provided” there shall be inserted the words “ wholly or mainly in the open air ” and the words “ at the Royal Albert Hall ” shall be omitted;
  - (b) in sub-paragraph (5), for the words “ “occasional sports licence”” there shall be substituted the words “ “occasional outdoor boxing or wrestling licence” ”; and
  - (c) after sub-paragraph (6), there shall be inserted the following sub-paragraph—  
“(7) In this paragraph “premises” includes any place.”
- 4 In paragraph 5(1) and (2), for the words “occasional sports licence” there shall be substituted the words “ occasional outdoor boxing or wrestling licence ”.

### *Licences continued during applications*

- 5 In paragraphs 6A and 6B, after the words “paragraph 1” there shall be inserted “ , 3A ”.

### *Transmission and cancellation of licences*

- 6 In paragraphs 7 and 8, after the words “paragraph 1” there shall be inserted “ , 3A ”.

### *Power to impose general terms etc. by regulations*

- 7 In paragraph 9(1), after the words “paragraph 1” there shall be inserted “ , 3A ”.

### *Enforcement*

- 8 In paragraph 10(1), (2)(a) and (4), after the words “paragraph 1” there shall be inserted “ , 3A ”.
- 9 In paragraph 12(1) after the words “paragraph 1” there shall be inserted “ , 3A ” and, for the word “either”, there shall be substituted the word “ any ”.

### *Provisional grant of licences*

- 10 In paragraph 17(1), after the words “paragraph 1” there shall be inserted “ , 3A ”.

### *Variation of licences*

- 11 In paragraph 18, after the words “paragraph 1” there shall be inserted “ , 3A ”.

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### Appeals

- 12 In paragraph 19-
- (a) in sub-paragraphs (1)(a) and (3), after the words “paragraph 1” there shall be inserted “, 3A ”; and
  - (b) in sub-paragraph (4), after the words “paragraph 2(1)” there shall be inserted the words “, 3B(1) ”.

### Meaning of “premises”

- 13 Paragraph 20 shall be omitted.

## SCHEDULE 4 E+W+S

Section 49.

### REPEALS

#### Commencement Information

- I4** Sch. 4 partly in force; Sch. 4 not in force at Royal Assent see s. 50(2); Sch. 4 in force in relation to specified repeals: at 1.1.1988 by S.I. 1987/1762, art. 2, Sch.; at 1.6.1988 by S.I. 1988/485, art. 2, Sch.; at 1.4.1989 by S.I. 1989/75, art. 2, Sch.; at 1.8.1993 by S.I. 1993/1411, art. 2, Sch.

Chapter	Short title	Extent of repeal
1963 c.33.	London Government Act 1963.	In Schedule 12, in paragraph 1(6), the words “or the Royal Albert Hall”, paragraph 4(1) (b) and paragraph 20.
1971 c.40.	Fire Precautions Act 1971.	In section 2, the words from “of any of the following” to “any premises” where last occurring. In section 5(3)(c), the words from “for use” to “the building”. In section 6(1) (d), the words from “for use” to “the building”. In section 12(1), the words “other than paragraph (d)”. In section 43(1), in the definition of “the court”, the words “and the Schedule thereto”. Section 43(2).
1974 c.37.	Health and Safety at Work etc. Act 1974.	Section 78(4).
1975 c.52.	Safety of Sports Grounds Act 1975.	Section 5(4), (6), (7) and (8). In section 7, in subsection (3), the words “, subject to subsection (4) below,” and subsections (4)

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and (5). In section 12(2), the words “stadium or other”. Section 15. In section 17(1), the definition of “sports stadium”.

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## SCHEDULE 5 E+W+S

Section 49.

### TRANSITIONAL AND SAVING PROVISIONS

#### *Preliminary*

1 In this Schedule—

- “the 1963 Act” means the <sup>M16</sup>London Government Act 1963;
- “the 1971 Act” means the <sup>M17</sup>Fire Precautions Act 1971;
- “the 1975 Act” means the <sup>M18</sup>Safety of Sports Grounds Act 1975; and
- “the 1982 Act” means the <sup>M19</sup>Local Government (Miscellaneous Provisions) Act 1982.

#### **Marginal Citations**

- M16** 1963 c. 33.
- M17** 1971 c. 40.
- M18** 1975 c. 52.
- M19** 1982 c. 30.

#### *Certain certificates deemed to be fire certificates*

- 2 Where immediately before a fire certificate becomes required by or under the 1971 Act in respect of any premises a fire certificate issued or deemed to be issued under regulations made under the <sup>M20</sup>Health and Safety at Work etc. Act 1974 (a “1974 Act certificate”) was in force in respect of those premises, the 1974 Act certificate shall continue in force and shall be deemed to be a fire certificate within the meaning of the 1971 Act validly issued with respect to the premises with respect to which it was issued and to cover the use or uses to which those premises were being put immediately before a fire certificate becomes required by or under the 1971 Act in respect of those premises; and, without prejudice to the generality of the foregoing, the 1974 Act certificate—
- (a) may be amended, replaced or revoked in accordance with the provision of the 1971 Act; and
  - (b) shall be treated as imposing in relation to the premises the like requirements as were previously imposed in relation to the premises.

#### **Marginal Citations**

- M20** 1974 c. 37.

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**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are prospective.

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*Charges for fire certification work*

- 3 Section 8B of the 1971 Act which is inserted by section 3 of this Act does not apply as respects an application for a fire certificate made before the said section 3 comes into force.

*Fire safety: emergency orders*

- 4 The substitution effected by section 9 of this Act of section 10 of the 1971 Act shall not affect any order of the court in force under that section when that substitution comes into force and any such order may be enforced, or an appeal made against it, accordingly.

*Sports grounds: certain existing designations*

- 5 Any designation of a sports ground made under section 1 of the 1975 Act by virtue of an order under section 15 of that Act and in force immediately before the repeal of section 15 by section 19 of this Act shall not be affected by the repeal but shall continue in force as if made under section 1 as amended by section 19 of (and Schedule 2 to) this Act.

*Sports grounds certificates: appeals*

- 6 The amendments effected by section 22 of this Act in section 5 of the 1975 Act shall not affect any appeal pending when those amendments come into force and any such appeal may be determined (with or without an inquiry and report thereon), and the decision on the appeal shall have effect, accordingly.

*Sports grounds: emergency orders*

- 7 The substitution effected by section 23 of this Act of section 10 of the 1975 Act shall not affect any order of the court in force under that section when that substitution comes into force and any such order may be enforced, modified or cancelled, or an appeal made against it, accordingly.

*Entertainment licences for sports generally*

- 8 Where the use of any premises for the purpose of an entertainment will, by virtue of the amendments effected by section 42 of this Act in the 1963 Act or by section 43 of this Act in the 1982 Act, require to be covered by a licence, then, if an application for a licence to cover their use for that entertainment has been made (and not withdrawn) when the amendments come into force, the use of the premises for that purpose shall continue to be lawful pending the disposal of the application.
- 9 The amendment of Schedule 1 to the 1982 Act effected by section 46 of this Act does not apply as respects an application made before that section comes into force.

*Boxing or wrestling licences*

- 10 Any licence under paragraph 4 of Schedule 12 to the 1963 Act covering the use of premises for a boxing or wrestling entertainment which was granted before the date of the coming into force of the amendments effected by section 42 of (and Schedule 3 to) this Act shall, if it relates to premises to which the paragraph 3A inserted by that section applies—

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- (a) have effect as from that date as if granted under the paragraph 3A inserted by those amendments by the Council on and subject to terms, conditions and restrictions corresponding to those on and subject to which it was held immediately before that date; and
- (b) in the case of a licence granted or renewed for a specified period, remain in force, subject to paragraphs 8, 10(4) and 18 of the said Schedule 12, for so much of that period as falls on or after that date.



**Status:**

Point in time view as at 01/04/1996. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Fire Safety and Safety of Places of Sport Act 1987.