Status: *Point in time view as at 03/06/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Football Spectators Act 1989 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Football Spectators Act 1989

1989 CHAPTER 37

An Act to control the admission of spectators at designated football matches in England and Wales by means of a national membership scheme and licences to admit spectators; to provide for the safety of spectators at such matches by means of such licences and the conferment of functions on the licensing authority in relation to safety certificates for grounds at which such matches are played; and to provide for the making by courts and the enforcement of orders imposing restrictions on persons convicted of certain offences for the purpose of preventing violence or disorder at or in connection with designated football matches played outside England and Wales. [16th November 1989]

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:—

PART I

FOOTBALL MATCHES IN ENGLAND AND WALES

Preliminary

1 Scope and interpretation of this Part.

(1) This Part of this Act applies in relation to association football matches played in England and Wales which are designated football matches and the following provisions have effect for its interpretation.

(2) "Designated football match" means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.

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(3) The Secretary of State shall not make a designation under subsection (2) above without giving the Football Membership Authority an opportunity to make representations about the proposed designation, and taking any representations he receives into account.

(4) An order under subsection (2) above—
- (a) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order; and
- (b) may provide, in relation to the match or description of match designated by the order or any description of match falling within the designation, that spectators admitted to the ground shall be authorised spectators to the extent, and subject to any restrictions or conditions, determined in pursuance of the order by the licensing authority under this Part of this Act.

(5) The "national football membership scheme" (or "the scheme") means the scheme made and approved and for the time being in force under section 4 below for the purpose of restricting the generality of spectators attending designated football matches to persons who are members of the scheme.

(6) A person is, in relation to any designated football match, an "authorised spectator" if—
- (a) he is a member of the national football membership scheme or is otherwise authorised by the scheme to attend the match; or
- (b) he is an authorised spectator by virtue of subsection (4)(b) above,

and a person is not to be treated as a "spectator" in relation to such a match if the principal purpose of his being on the premises is to provide services in connection with the match or to report on it.

(7) A "licence to admit spectators" is a licence granted in respect of any premises by the licensing authority under this Part of this Act authorising the admission to the premises of spectators for the purpose of watching any designated football match played at those premises.

(8) Each of the following periods is "relevant to" a designated football match, that is to say—
- (a) the period beginning—
  - (i) two hours before the start of the match, or
  - (ii) two hours before the time at which it is advertised to start, or
  - (iii) with the time at which spectators are first admitted to the premises,

  whichever is the earliest, and ending one hour after the end of the match;
- (b) where a match advertised to start at a particular time on a particular day is postponed to a later day, or does not take place, the period in the advertised day beginning two hours before and ending one hour after that time.

(9) A person is a "responsible person" in relation to any designated football match at any premises if he is a person concerned in the management of the premises or in the organisation of the match.

(10) The power to make an order under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(11) The imposition under this Part of this Act of restrictions on the persons who may attend as spectators at any designated football match does not affect any other right

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of any person to exclude persons from admission to the premises at which the match is played.

VALID FROM 01/04/2005

National Membership Scheme

PROSPECTIVE

[F1]2 Offences relating to unauthorised attendance at designated football matches.

. . . . . .

Textual Amendments

F1 Ss. 2-7 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 52(3), 66(2), **Sch. 5**; S.I. 2007/858, art. 2(k)(n)(v)

PROSPECTIVE

[F1]3 The Football Membership Authority.

. . . . . .

Textual Amendments

F1 Ss. 2-7 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 52(3), 66(2), **Sch. 5**; S.I. 2007/858, art. 2(k)(n)(v)

PROSPECTIVE

[F1]4 National membership scheme: making, approval, modification etc.

. . . . . .

Textual Amendments

F1 Ss. 2-7 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 52(3), 66(2), **Sch. 5**; S.I. 2007/858, art. 2(k)(n)(v)

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PROSPECTIVE

[F1]5 National membership scheme: contents and penalties.

. . . . . .

Textual Amendments

F1 Ss. 2-7 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 52(3), 66(2), **Sch. 5**; S.I. 2007/858, art. 2(k)(n)(v)

PROSPECTIVE

[F1]6 Phased application of scheme.

. . . . . .

Textual Amendments

F1 Ss. 2-7 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 52(3), 66(2), **Sch. 5**; S.I. 2007/858, art. 2(k)(n)(v)

7 Disqualification for membership of scheme.

(1) Any person who is subject to **[**[F2]the domestic football banning order**]** under section 30 of the [M1]Public Order Act 1986 (exclusion from prescribed football matches) whenever made is disqualified from becoming or continuing to be a member of the national football membership scheme and while he is so subject he shall not be admitted as a member of the scheme or, if he is a member, his membership shall be withdrawn.

(2) Any person convicted of a relevant offence is disqualified from becoming or continuing to be a member of the national football membership scheme, and the following provisions of this section have effect in relation to such a person.

(3) The period during which a person's disqualification under subsection (2) above continues shall be—

(a) in a case where he was sentenced to a period of imprisonment taking immediate effect, five years, and

(b) in any other case, two years,

beginning with the date of the conviction.

(4) During the period for which a person is disqualified he shall not be admitted as a member of the scheme or, if he is a member, his membership shall cease on the date of the conviction.

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(5) The offences relevant for the purposes of subsection (2) above are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).

(6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches include in paragraphs (h), (i), (k) **[**[F3], (l) and (n) to (p)**]** references to football matches designated for the purposes of Part II of this Act.

(7) Where a court convicts a person of a relevant offence, then—

(a) the court—

(i) shall, except in the case of an offence under section 2(1) or 5(7) above, certify that the offence is a relevant offence, and

(ii) shall explain to him in ordinary language the effect of the conviction on his membership of the national football membership scheme; and

(b) the **[**[F4]justices' chief executive for**]** the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—

(i) shall (as soon as reasonably practicable) send to the Football Membership Authority and to the chief officer of police for the police area in which the offence was committed notice of the conviction and sentence and of the giving of any certificate that the offence is a relevant offence, and

(ii) shall give a copy of the notices to the person who was convicted of the offence.

(8) Where, on an appeal against a person's conviction of the relevant offence or against a sentence of imprisonment imposed on him in dealing with him for the offence, his conviction is quashed or the sentence is reduced to one which is not a sentence of imprisonment taking immediate effect, the court which determines the appeal or, as the case may be, the court to which the case is remitted, shall cause notice of the quashing of the conviction or of the sentence imposed to be sent to the persons specified in subsection (7)(b)(i) and (ii) above and, where his conviction is quashed, the Authority shall re-admit him to membership of the scheme, but without prejudice to any proceedings under the scheme to exclude him from membership.

(9) A person in relation to whom a probation order was made under Part III of the [M2]Powers of Criminal Courts Act 1973 shall, notwithstanding anything in section 13 of that Act (convictions to be disregarded for purposes of disqualification), be treated as having been convicted of the offence for the purposes of this section.

(10) In this section and Schedule 1 to this Act—

(a) **[**[F5]"declaration of relevance", in relation to an offence specified in paragraphs (f) to (l) and (n) to (p) of Schedule 1 to this Act, means the declaration specified in that paragraph;**]**

(b) "imprisonment" includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody); and

(c) the reference to a clerk of a magistrates' court is to be construed in accordance with section 141 of the [M3]Magistrates' Courts Act 1980, reading references to that Act as references to this section.

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Textual Amendments

F2 Words in s. 7(1) substituted (27.9.1999) by 1999 c. 21, **ss. 6(2)(c)**, 12(2) (with s. 12(3))

F3 Words in s. 7(6) substituted (27.9.1999) by 1999 c. 21, **ss. 2(4)**, 12(2) (with s. 12(3))

F4 Words in s. 7(7)(b) substituted (*prosp.*) by 1999 c. 22, ss. 90(1), 108, **Sch. 13 para. 158**

F5 Definition of
"declaration of relevance"
in s. 7(10) substituted (27.9.1999) by 1999 c. 21, **ss. 2(5)**, 12(2) (with s. 12(3))

Marginal Citations

M1 1986 c. 64.

M2 1973 c. 62.

M3 1980 c. 43.

7 Disqualification for membership of scheme. E+W

(1) Any person who is subject to an exclusion order under section 30 of the [M40]Public Order Act 1986 (exclusion from prescribed football matches) whenever made is disqualified from becoming or continuing to be a member of the national football membership scheme and while he is so subject he shall not be admitted as a member of the scheme or, if he is a member, his membership shall be withdrawn.

(2) Any person convicted of a relevant offence is disqualified from becoming or continuing to be a member of the national football membership scheme, and the following provisions of this section have effect in relation to such a person.

(3) The period during which a person's disqualification under subsection (2) above continues shall be—

(a) in a case where he was sentenced to a period of imprisonment taking immediate effect, five years, and

(b) in any other case, two years,

beginning with the date of the conviction.

(4) During the period for which a person is disqualified he shall not be admitted as a member of the scheme or, if he is a member, his membership shall cease on the date of the conviction.

(5) The offences relevant for the purposes of subsection (2) above are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).

(6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches include in paragraphs (h), (i), (k) and (l) references to football matches designated for the purposes of Part II of this Act.

(7) Where a court convicts a person of a relevant offence, then—

(a) the court—

(i) shall, except in the case of an offence under section 2(1) or 5(7) above, certify that the offence is a relevant offence, and

(ii) shall explain to him in ordinary language the effect of the conviction on his membership of the national football membership scheme; and

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(b) the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—

(i) shall (as soon as reasonably practicable) send to the Football Membership Authority and to the chief officer of police for the police area in which the offence was committed notice of the conviction and sentence and of the giving of any certificate that the offence is a relevant offence, and

(ii) shall give a copy of the notices to the person who was convicted of the offence.

(8) Where, on an appeal against a person's conviction of the relevant offence or against a sentence of imprisonment imposed on him in dealing with him for the offence, his conviction is quashed or the sentence is reduced to one which is not a sentence of imprisonment taking immediate effect, the court which determines the appeal or, as the case may be, the court to which the case is remitted, shall cause notice of the quashing of the conviction or of the sentence imposed to be sent to the persons specified in subsection (7)(b)(i) and (ii) above and, where his conviction is quashed, the Authority shall re-admit him to membership of the scheme, but without prejudice to any proceedings under the scheme to exclude him from membership.

(9) A person in relation to whom a probation order was made under Part III of the [M41]Powers of Criminal Courts Act 1973 shall, notwithstanding anything in section 13 of that Act (convictions to be disregarded for purposes of disqualification), be treated as having been convicted of the offence for the purposes of this section.

(10) In this section and Schedule 1 to this Act—

(a) "declaration of relevance", in relation to an offence, means a declaration that the offence related to football matches;

(b) "imprisonment" includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody); and

(c) the reference to a clerk of a magistrates' court is to be construed in accordance with section 141 of the [M42]Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Marginal Citations

M40 1986 c. 64.
M41 1973 c. 62.
M42 1980 c. 43.

7 Disqualification for membership of scheme. E+W

(1) Any person who is subject to **[**[F25]the domestic football banning order**]** under section 30 of the [M43]Public Order Act 1986 (exclusion from prescribed football matches) whenever made is disqualified from becoming or continuing to be a member of the national football membership scheme and while he is so subject he shall not be admitted as a member of the scheme or, if he is a member, his membership shall be withdrawn.

(2) Any person convicted of a relevant offence is disqualified from becoming or continuing to be a member of the national football membership scheme, and the following provisions of this section have effect in relation to such a person.

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(3) The period during which a person's disqualification under subsection (2) above continues shall be—
  (a) in a case where he was sentenced to a period of imprisonment taking immediate effect, five years, and
  (b) in any other case, two years,
beginning with the date of the conviction.

(4) During the period for which a person is disqualified he shall not be admitted as a member of the scheme or, if he is a member, his membership shall cease on the date of the conviction.

(5) The offences relevant for the purposes of subsection (2) above are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).

(6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches include in paragraphs (h), (i), (k) **[**[F26], (l) and (n) to (p)**]** references to football matches designated for the purposes of Part II of this Act.

(7) Where a court convicts a person of a relevant offence, then—
  (a) the court—
    (i) shall, except in the case of an offence under section 2(1) or 5(7) above, certify that the offence is a relevant offence, and
    (ii) shall explain to him in ordinary language the effect of the conviction on his membership of the national football membership scheme; and
  (b) the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
    (i) shall (as soon as reasonably practicable) send to the Football Membership Authority and to the chief officer of police for the police area in which the offence was committed notice of the conviction and sentence and of the giving of any certificate that the offence is a relevant offence, and
    (ii) shall give a copy of the notices to the person who was convicted of the offence.

(8) Where, on an appeal against a person's conviction of the relevant offence or against a sentence of imprisonment imposed on him in dealing with him for the offence, his conviction is quashed or the sentence is reduced to one which is not a sentence of imprisonment taking immediate effect, the court which determines the appeal or, as the case may be, the court to which the case is remitted, shall cause notice of the quashing of the conviction or of the sentence imposed to be sent to the persons specified in subsection (7)(b)(i) and (ii) above and, where his conviction is quashed, the Authority shall re-admit him to membership of the scheme, but without prejudice to any proceedings under the scheme to exclude him from membership.

(9) A person in relation to whom a probation order was made under Part III of the [M44]Powers of Criminal Courts Act 1973 shall, notwithstanding anything in section 13 of that Act (convictions to be disregarded for purposes of disqualification), be treated as having been convicted of the offence for the purposes of this section.

(10) In this section and Schedule 1 to this Act—

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(a) [F27"declaration of relevance", in relation to an offence specified in paragraphs (f) to (l) and (n) to (p) of Schedule 1 to this Act, means the declaration specified in that paragraph;]

(b) "imprisonment" includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody); and

(c) the reference to a clerk of a magistrates' court is to be construed in accordance with section 141 of the [M45]Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Textual Amendments

F25 Words in s. 7(1) substituted (27.9.1999) by 1999 c. 21, **ss. 6(2)(c)**, 12(2) (with s. 12(3))

F26 Words in s. 7(6) substituted (27.9.1999) by 1999 c. 21, **ss. 2(4)**, 12(2) (with s. 12(3))

F27 Definition of
"declaration of relevance"
in s. 7(10) substituted (27.9.1999) by 1999 c. 21, **ss. 2(5)**, 12(2) (with s. 12(3))

Marginal Citations

M43 1986 c. 64.

M44 1973 c. 62.

M45 1980 c. 43.

Licences to admit spectators

8 The Football Licensing Authority.

(1) There shall be a body called the Football Licensing Authority (in this Part of this Act referred to as "the licensing authority") which shall perform the functions assigned to it by this Part of this Act.

(2) The licensing authority shall consist of a chairman and not less than 4 nor more than 8 other members.

(3) The chairman and other members of the licensing authority shall be appointed by the Secretary of State.

(4) Schedule 2 to this Act shall have effect with respect to the licensing authority.

(5) The expenses of the licensing authority shall be paid by the Secretary of State.

VALID FROM 01/08/1993

9 Offence of admitting spectators to unlicensed premises.

(1) Subject to subsection (2) below, if persons are admitted as spectators to, or permitted to remain as spectators on, any premises during a period relevant to a designated football match without a licence to admit spectators being in force, any responsible person commits an offence.

(2) Where a person is charged with an offence under this section it shall be a defence to prove either that the spectators were admitted in an emergency or—

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(a) that the spectators were admitted without his consent; and
(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3) A person guilty of an offence under this section 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 to both.

Commencement Information
I1 S. 9 wholly in force at 1.8.1993 see s. 27(2)(3) and S.I. 1993/1690, **art. 2**.

10 Licences to admit spectators: general.

(1) The licensing authority may, on an application duly made by a responsible person, grant a licence to admit spectators to any premises for the purpose of watching any designated football match played at those premises.

(2) An application for a licence in respect of any premises shall be made in such manner, in such form and accompanied by such fee as may be determined by the Secretary of State.

(3) The licensing authority shall not refuse to grant a licence without—
(a) notifying the applicant in writing of the proposed refusal and of the grounds for it;
(b) giving him an opportunity to make representations about them within the period of twenty-eight days beginning with the service of the notice; and
(c) taking any representations so made into account in making its decision.

(4) A licence to admit spectators to any premises may authorise the admission of spectators to watch all designated football matches or specified descriptions of designated football matches or a particular such match.

(5) A licence to admit spectators shall be in writing and shall be granted on such terms and conditions as the licensing authority considers appropriate and, if the Secretary of State gives to the licensing authority a direction under section 11 below, the conditions may include conditions imposing requirements as respects the seating of spectators.

(6) A licence to admit spectators may also include conditions requiring specified descriptions of spectators to be refused admittance to the premises to watch designated football matches or specified descriptions of designated football matches or a particular such match.

(7) Where a designation order includes the provision authorised by section 1(4)(b) above as respects the admission of spectators to any ground as authorised spectators, the licensing authority may, by notice in writing to the licence holder, direct that, for the purposes of any match or description of match specified in the direction, the licence shall be treated as including such specified terms and conditions as respects the admission of spectators as authorised spectators as the licensing authority considers appropriate; and the licence shall have effect, for that purpose, subject to those terms and conditions.

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(8) It shall be a condition of every licence that any authorised person shall be entitled, on production, if so required, of his authority—
  (a) to enter at any reasonable time any premises on which a designated football match is being or is to be played;
  (b) to make such inspection of the premises and such inquiries relating to them as he considers necessary for the purposes of this Part of this Act; or
  (c) to examine any records relating to the operation of the national football membership scheme on the premises, and take copies of such records.

(9) A licence to admit spectators shall, unless revoked or suspended under section 12 below or surrendered, remain in force for a specified period.

(10) Subject to subsection (11) below, the licensing authority may at any time, by notice in writing to the licence holder, vary the terms and conditions of the licence.

(11) The licensing authority shall not vary the terms or conditions of a licence without—
  (a) notifying the licence holder in writing of the proposed alterations or additions;
  (b) giving him an opportunity to make representations about them within the period of twenty-one days beginning with the service of the notice; and
  (c) taking any representations so made into account in making the decision.

(12) In taking any decision under this section the licensing authority shall have regard, among the other relevant circumstances, to the following matters or to such of them as are applicable to the decision, that is to say—
  (a) whether the premises and the equipment provided and procedures used at the premises are such as to secure that, except (in the case of the procedures) in an emergency, only authorised spectators are admitted to designated football matches;
  (b) whether and to what extent the requirements imposed for that purpose by the national football membership scheme on responsible persons have been complied with;
  (c) whether the equipment provided, procedures used and other arrangements in force at the premises are such as are reasonably required to prevent the commission or minimise the effects of offences at designated football matches; and
  (d) such other considerations as the Secretary of State determines from time to time and notifies to the licensing authority.

(13) Subject to subsection (14) below, if any term or condition of a licence is contravened any responsible person commits an offence.

(14) Where a person is charged with an offence under subsection (13) above it shall be a defence to prove—
  (a) that the contravention 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.

(15) A person guilty of an offence under subsection (13) above shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(16) The fees charged on the issue of licences—
  (a) may be fixed so as to reimburse the licensing authority their expenses under this Part of this Act; and

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(b) shall be paid by the licensing authority to the Secretary of State.

(17) In this section—

"authorised person" means any person authorised by the Secretary of State, the licensing authority or the Football Membership Authority;

"specified" means specified in the licence or in the case of subsection (7) in the direction; and

"vary", in relation to a licence, includes the addition of further terms or conditions.

11 Power of Secretary of State to require conditions in licences relating to seating.

(1) The Secretary of State may, by order, direct the licensing authority to include in any licence to admit spectators to any specified premises a condition imposing requirements as respects the seating of spectators at designated football matches at the premises; and it shall be the duty of the authority to comply with the direction.

(2) The requirements imposed by a condition in pursuance of this section may relate to the accommodation to be provided at, or the arrangements to be made as respects the spectators admitted to, the premises.

(3) A direction may require the licensing authority to include the condition in the licence when granting it or by way of varying the conditions of a licence.

(4) Before giving a direction under this section in relation to any premises the Secretary of State shall consult the licensing authority which may, if it thinks fit, make recommendations to him.

(5) The licensing authority shall not make any recommendations under subsection (4) above without consulting the local authority in whose area the premises are situated.

(6) The power to make an order containing a direction under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section "local authority" has the same meaning as in the [M4]Safety of Sports Grounds Act 1975.

Marginal Citations

M4 1975 c. 52.

12 Licences to admit spectators: revocation and suspension.

(1) The licensing authority may, subject to subsections (2), (3) and (4) below, at any time, by notice in writing to the holder of a licence to admit spectators, revoke the licence or suspend the licence indefinitely or for such period as the authority considers appropriate.

(2) The licensing authority shall not suspend or revoke a licence under this section unless satisfied that it is necessary to do so having regard to the matters which are relevant for the purposes of this section.

(3) The matters which are relevant for the purposes of this section are—

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(a) the matters specified in paragraphs (a), (b) and (c) of section 10(12) above; and
(b) such other considerations as the Secretary of State determines from time to time and notifies to the licensing authority.

(4) The licensing authority shall not revoke or suspend a licence to admit spectators without—
(a) notifying the licence holder of the proposed revocation or suspension and of the grounds for it;
(b) giving him an opportunity to make representations about the matter within the period of twenty-one days beginning with the date of the service of the notice; and
(c) taking any representations so made into account in making the decision.

(5) The licensing authority may, if satisfied that the urgency of the case so requires, suspend a licence under this section without observing the requirements of subsection (4) above but the authority shall, as soon as is practicable, notify the person to whom the licence was granted of the grounds for the suspension.

(6) A licence suspended under this section shall during the time of suspension be of no effect.

(7) Where a licence has been suspended under this section the person to whom the licence was granted may at any time apply to the licensing authority to terminate the suspension and the licensing authority may terminate the suspension if it appears to be appropriate to do so having regard to the relevant matters and after taking into account any representations made by the applicant.

13 Licensing authority's powers in relation to safety at football grounds.

(1) The licensing authority shall have the function of keeping under review the discharge by local authorities of their functions under the [M5]Safety of Sports Grounds Act 1975 in relation to sports grounds at which designated football matches are played and shall have the powers conferred in relation to those functions by the following provisions of this section.

(2) The licensing authority may, by notice in writing to the local authority concerned, require the local authority to include in any safety certificate such terms and conditions as are specified in the notice; and it shall be the duty of the local authority to comply with the requirement.

(3) Before exercising its power under subsection (2) above to require the inclusion of specified terms and conditions in any safety certificate, the licensing authority shall consult the local authority, the chief officer of police and either the fire authority (where the local authority is in Greater London or a metropolitan county) or the building authority (in any other case).

(4) As respects those terms and conditions, the local authority need not consult the chief officer of police, the fire authority or the building authority under section 3(3) or 4(8) of the Safety of Sports Grounds Act 1975 before issuing a safety certificate or about any proposal to amend or replace one.

(5) A notice under subsection (2) above may require the issue under that Act of a safety certificate incorporating the specified terms or conditions or the amendment under that Act of a safety certificate so that it incorporates the specified terms or conditions.

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(6) Any inspector appointed by the licensing authority may, for the purposes of the discharge by the licensing authority of its function under subsection (1) above, on production, if so required, of his authority—

(a) enter at any reasonable time any sports ground at which designated football matches are played;

(b) make such inspection of the ground and such inquiries relating to the ground as he considers necessary; or

(c) examine the safety certificate and any records kept under the Safety of Sports Grounds Act 1975 or this Part of this Act, and take copies of such records.

(7) The licensing authority may, by notice in writing to any local authority, require the local authority to furnish to the licensing authority such information relating to the discharge by the local authority of its functions under the Safety of Sports Grounds Act 1975 as is specified in the notice; and it shall be the duty of the local authority to comply with the requirement.

(8) Section 5(3) of the Safety of Sports Grounds Act 1975 (appeals against terms and conditions of safety certificates) shall have effect with the insertion, after paragraph (ii), of the words "but not against the inclusion in a safety certificate of anything required to be included in it by the Football Licensing Authority under section 13(2) of the Football Spectators Act 1989".

(9) Any expression used in this section and in the Safety of Sports Grounds Act 1975 has the same meaning in this section as in that Act.

Commencement Information

I2 S. 13 wholly in force at 3.6.1991. See s. 27(2) and S.I. 1991/1071, **art. 2**

Marginal Citations

M5 1975 c. 52.

PART II

FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES

Preliminary

14 Scope and interpretation of this Part.

(1) This Part of this Act applies in relation to football matches played in any country outside England and Wales which are designated football matches and the following provisions have effect for its interpretation.

(2) "Designated football match" means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.

(3) The power to make orders under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(4) A "restriction order" means an order of a court under section 15 or 22 below requiring the person to whom the order applies to report to a police station on the occasion of designated football matches.

(5) The offences "relevant" for the making by a court of a restriction order are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).

(6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches are references to football matches designated for the purposes of Part I of this Act except that in paragraphs (h), (i), (k) and (l) they include references to football matches designated under subsection (2) above; and section 1(8) above applies for the interpretation of references to periods relevant to designated football matches.

(7) The "enforcing authority" means such organisation established by the Secretary of State under section 41 of the [M6]Police Act 1964 (common services organisations) as the Secretary of State designates for the purposes of this Part of this Act by order made by statutory instrument.

(8) An order under subsection (2) above may, in relation to any description of football match or any particular football match specified in the order, direct that reporting is obligatory for all persons subject to restriction orders or that reporting is obligatory only for such persons subject to restriction orders as are required to report under section 19(3)(b) below.

(9) In this Part of this Act—

"country" includes territory;

"declaration of relevance", in relation to an offence, means a declaration that the offence related to football matches; and

"imprisonment" includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody), "prison" includes any place where a person is detained or in such custody and "discharge" from prison does not include temporary discharge.

Marginal Citations

M6 1964 c. 4.

VALID FROM 28/08/2000

[[F6]Banning orders]

Textual Amendments

F6 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

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[F7]14A [Banning orders made on conviction of an offence.]

(1) This section applies where a person (the "offender") is convicted of a relevant offence.

(2) If the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches, it must make such an order in respect of the offender.

(3) If the court is not so satisfied, it must in open court state that fact and give its reasons.

(4) A banning order may only be made under this section—
- (a) in addition to a sentence imposed in respect of the relevant offence, or
- (b) in addition to an order discharging him conditionally.

(5) A banning order may be made as mentioned in subsection (4)(b) above in spite of anything in sections 12 and 14 of the Powers of the Criminal Courts (Sentencing) Act 2000 (which relate to orders discharging a person absolutely or conditionally and their effect).

(6) In this section, "the court" in relation to an offender means—
- (a) the court by or before which he is convicted of the relevant offence, or
- (b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court.

Textual Amendments

F7 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

[[F8]14B Banning orders made on a complaint.

(1) An application for a banning order in respect of any person may be made by the chief officer of police for the area in which the person resides or appears to reside, if it appears to the officer that the condition in subsection (2) below is met.

(2) That condition is that the respondent has at any time caused or contributed to any violence or disorder in the United Kingdom or elsewhere.

(3) The application is to be made by complaint to a magistrates' court.

(4) If—
- (a) it is proved on the application that the condition in subsection (2) above is met, and
- (b) the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches,

the court must make a banning order in respect of the respondent.**]**

Textual Amendments

F8 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

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Modifications etc. (not altering text)

C1 Ss. 14B, 21A, 21B restricted (28.7.2000) by 2000 c. 25, **s. 5(2)-(5)**,

[[F9]14C Banning orders: supplementary.

(1) In this Part, "violence" means violence against persons or property and includes threatening violence and doing anything which endangers the life of any person.

(2) In this Part, "disorder" includes—

(a) stirring up hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins, or against an individual as a member of such a group,

(b) using threatening, abusive or insulting words or behaviour or disorderly behaviour,

(c) displaying any writing or other thing which is threatening, abusive or insulting.

(3) In this Part, "violence" and "disorder" are not limited to violence or disorder in connection with football.

(4) The magistrates' court may take into account the following matters (among others), so far as they consider it appropriate to do so, in determining whether to make an order under section 14B above—

(a) any decision of a court or tribunal outside the United Kingdom,

(b) deportation or exclusion from a country outside the United Kingdom,

(c) removal or exclusion from premises used for playing football matches, whether in the United Kingdom or elsewhere,

(d) conduct recorded on video or by any other means.

(5) In determining whether to make such an order—

(a) the magistrates' court may not take into account anything done by the respondent before the beginning of the period of ten years ending with the application under section 14B(1) above, except circumstances ancillary to a conviction,

(b) before taking into account any conviction for a relevant offence, where a court made a statement under section 14A(3) above (or section 15(2A) below or section 30(3) of the [M7]Public Order Act 1986), the magistrates' court must consider the reasons given in the statement,

and in this subsection "circumstances ancillary to a conviction" has the same meaning as it has for the purposes of section 4 of the [M8]Rehabilitation of Offenders Act 1974 (effect of rehabilitation).

(6) Subsection (5) does not prejudice anything in the [M9]Rehabilitation of Offenders Act 1974.**]**

Textual Amendments

F9 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

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Marginal Citations

M7 1986 c. 64.
M8 1974 c. 53.
M9 1974 c. 53.

[F10 14D Banning orders made on a complaint: appeals.

(1) An appeal lies to the Crown Court against the making by a magistrates' court of a banning order under section 14B above.

(2) On the appeal the Crown Court—
  (a) may make any orders necessary to give effect to its determination of the appeal, and
  (b) may also make any incidental or consequential orders which appear to it to be just.

(3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) is to be treated for the purposes of this Part as if it were an order of the magistrates' court from which the appeal was brought.**]**

Textual Amendments

F10 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

[F11 14E Banning orders: general.

(1) On making a banning order, a court must in ordinary language explain its effect to the person subject to the order.

(2) A banning order must require the person subject to the order to report initially at a police station in England and Wales specified in the order within the period of five days beginning with the day on which the order is made.

(3) A banning order must, unless it appears to the court that there are exceptional circumstances, impose a requirement as to the surrender in accordance with this Part, in connection with regulated football matches outside the United Kingdom, of the passport of the person subject to the order.

(4) If it appears to the court that there are such circumstances, it must in open court state what they are.

(5) In the case of a person detained in legal custody—
  (a) the requirement under this section to report at a police station, and
  (b) any requirement imposed under section 19 below,
  is suspended until his release from custody.

(6) If—
  (a) he is released from custody more than five days before the expiry of the period for which the order has effect, and
  (b) he was precluded by his being in custody from reporting initially,

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the order is to have effect as if it required him to report initially at the police station specified in the order within the period of five days beginning with the date of his release.**]**

Textual Amendments

F11 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

[F12 14F Period of banning orders.

(1) Subject to the following provisions of this Part, a banning order has effect for a period beginning with the day on which the order is made.

(2) The period must not be longer than the maximum or shorter than the minimum.

(3) Where the order is made under section 14A above in addition to a sentence of imprisonment taking immediate effect, the maximum is ten years and the minimum is six years; and in this subsection "imprisonment" includes any form of detention.

(4) In any other case where the order is made under section 14A above, the maximum is five years and the minimum is three years.

(5) Where the order is made under section 14B above, the maximum is three years and the minimum is two years.**]**

Textual Amendments

F12 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

[F13 14G Additional requirements of orders.

(1) A banning order may, if the court making the order thinks fit, impose additional requirements on the person subject to the order in relation to any regulated football matches.

(2) The court by which a banning order was made may, on an application made by—
   (a) the person subject to the order, or
   (b) the person who applied for the order or who was the prosecutor in relation to the order,

   vary the order so as to impose, replace or omit any such requirements.

(3) In the case of a banning order made by a magistrates' court, the reference in subsection (2) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.**]**

Textual Amendments

F13 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

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[F14 14H Termination of orders.

(1) If a banning order has had effect for at least two-thirds of the period determined under section 14F above, the person subject to the order may apply to the court by which it was made to terminate it.

(2) On the application, the court may by order terminate the banning order as from a specified date or refuse the application.

(3) In exercising its powers under subsection (2) above, the court must have regard to the person's character, his conduct since the banning order was made, the nature of the offence or conduct which led to it and any other circumstances which appear to it to be relevant.

(4) Where an application under subsection (1) above in respect of a banning order is refused, no further application in respect of the order may be made within the period of six months beginning with the day of the refusal.

(5) The court may order the applicant to pay all or any part of the costs of an application under this section.

(6) In the case of a banning order made by a magistrates' court, the reference in subsection (1) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.**]**

Textual Amendments

F14 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

[F15 14J Offences.

(1) A person subject to a banning order who fails to comply with—
   (a) any requirement imposed by the order, or
   (b) any requirement imposed under section 19(2B) or (2C) below,
   is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.**]**

Textual Amendments

F15 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

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Restriction orders

15 Restriction orders.

(1) A court by or before which a person is convicted of a relevant offence or, if a person convicted of such an offence is committed to it to be dealt with, the Crown Court on dealing with him for the offence, may make a restriction order in relation to him.

(2) No restriction order may be made unless the court is satisfied that making such an order in relation to the accused would help to prevent violence or disorder at or in connection with designated football matches.

(3) A restriction order may only be made—
  (a) in addition to a sentence imposed in respect of the offence of which the accused is (or was) convicted; or
  (b) in addition to a probation order.

(4) A restriction order may be made as mentioned in subsection (3)(b) above notwithstanding anything in sections 2 and 13 of the [M10]Powers of Criminal Courts Act 1973 (which relate to probation orders).

(5) A restriction order shall specify the police station in England or Wales at which the person subject to the order is to report initially.

(6) The court shall, on making the order in relation to the accused, explain its effect to him in ordinary language.

(7) In section 10(3) of the [M11]Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after sub-paragraph (iii) there shall be inserted "or
  (iv) a restriction order under section 15 of the Football Spectators Act 1989;".

Marginal Citations
M10 1973 c. 62.
M11 1968 c. 19.

16 Effect of order.

(1) Subject to subsection (3) below and section 17 below, the period for which a restriction order has effect in relation to a person convicted of a relevant offence is—
  (a) in a case where he was sentenced in respect of that offence to a period of imprisonment taking immediate effect, five years, and
  (b) in any other case, two years,
  beginning with the date of the making of the order.

(2) The duty to report imposed by a restriction order on the person subject to the order is a duty—
  (a) to report initially to the police station specified in the order within the period of five days beginning with the date of the making of the order, and
  (b) subject to any exemption, to report on the occasion of designated football matches when required to do so under section 19(3)(b) below to any police

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station in England or Wales at the time or between the times specified in the notice by which the requirement is imposed.

(3) The duty to report shall, in the case of a person sentenced to or serving a term of imprisonment, be suspended until his discharge from prison and the order shall have effect, if he is discharged more than five days before the expiry of the period for which the order has effect and he was precluded by his being in prison from reporting initially, as if it required him to report initially to any police station within the period of five days beginning with the date of his discharge.

(4) A person who, without reasonable excuse, fails to comply with the duty to report imposed by a restriction order commits an offence.

(5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or to both.

17 Application to terminate restriction order.

(1) A person in relation to whom a restriction order has had effect for at least one year may apply to the court by which it was made to terminate it.

(2) On such an application the court may, having regard to the person's character, his conduct since the order was made, the nature of the offence which led to it and any other circumstances of the case, either by order terminate the restriction order (as from a date specified in the terminating order) or refuse the application.

(3) Where an application under this section is refused, a further application in respect of the restriction order shall not be entertained if made within the period of six months beginning with the day of the refusal.

(4) The court may order the applicant to pay all or any part of the costs of an application under this section.

(5) In the case of a restriction order made by a magistrates' court, the reference in subsection (1) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.

(6) Section 63(2) of the [M12]Magistrates' Courts Act 1980 (power to suspend or rescind orders) does not apply to a restriction order.

Marginal Citations
M12 1980 c. 43.

18 Information.

(1) Where a court makes a restriction order, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
  (a) shall give a copy of it to the person to whom it relates;
  (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority;

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(c) shall (as soon as reasonably practicable) send a copy of it to the police station (addressed to the officer responsible for the police station) at which the person subject to the order is to report initially; and

(d) in a case where the person subject to the order is sentenced by the court to or is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of it to the governor of the prison or other person to whose custody he will be committed or in whose custody he is, as the case may be.

(2) Where a court terminates a restriction order under section 17 above, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—

(a) shall give a copy of the terminating order to the person to whom the restriction order relates;

(b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority; and

(c) in a case where the person subject to the restriction order is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of the terminating order to the governor of the prison or other person in whose custody he is, as the case may be.

(3) Where a person subject to a restriction order is discharged from prison and, in the case of a person who has not reported initially to a police station, is discharged more than five days before the expiry of the restriction order, the governor of the prison or person in whose custody he is, as the case may be, shall (as soon as reasonably practicable) give notice of his discharge to the enforcing authority.

(4) References in this section to the clerk of a magistrates' court shall be construed in accordance with section 141 of the [M13]Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Marginal Citations

M13 1980 c. 43.

Reporting

19 Functions of enforcing authority and local police.

(1) The enforcing authority and the officer responsible for the police station at which he reports initially shall have the following functions as respects any person subject to a restriction order.

(2) On a person reporting initially at the police station, the officer responsible for the station may make such requirements of that person as are determined by the enforcing authority to be necessary or expedient for giving effect to restriction orders.

(3) During the currency of a restriction order in force in relation to any person the enforcing authority shall perform the following functions on the occasion of any designated football match, that is to say—

(a) where the match is one for which reporting is obligatory for all persons subject to restriction orders, the authority shall, by notice in writing to that person,

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require him to report to a police station at the time or between the times specified in the notice;

(b) where the match is one for which reporting is obligatory for such persons only as are required to report under this paragraph, the authority shall, if that person is one as respects whom subsection (4) below is satisfied, by notice in writing to that person, require him to report to a police station at the time or between the times specified in the notice.

(4) No requirement to report under subsection (3)(b) above shall be imposed by the enforcing authority on any person unless imposing it is, in their opinion, necessary or expedient in order to reduce the likelihood of violence or disorder at, or in connection with, the designated football match; and the authority may establish criteria for determining whether any person or class of persons ought to be required to report under that paragraph.

(5) The enforcing authority, in exercising their functions under this section, shall have regard to any guidance issued by the Secretary of State under section 21 below.

(6) A person who, without reasonable excuse, fails to comply with any requirement imposed on him under subsection (2) above shall be guilty of an offence.

(7) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

20 Exemptions from requirement to report as respects a match.

(1) A person who is subject to a restriction order may—

(a) as respects a particular designated football match, or

(b) as respects designated football matches played during a period,

apply to the authority empowered to grant exemptions under this section ("the exempting authority") to be exempt from the duty to report as respects that match or matches played during that period.

(2) The enforcing authority may grant exemptions under this section in all cases; but where the application is for an exemption as respects matches to be played within the period of five days beginning with the date of the application, or a particular match to be played within that period, the officer responsible for a police station may, subject to subsection (3) below, grant the exemption.

(3) The officer responsible for a police station shall not grant an exemption without referring the question of exemption to the enforcing authority, unless he considers that it is not reasonably practicable to do so.

(4) The exempting authority shall exempt the applicant from the duty to report if he shows to the authority's satisfaction—

(a) that there are special circumstances which justify his being so exempted; and

(b) that, because of those circumstances, he would not attend the match or matches if he were so exempted.

(5) The exempting authority shall, in taking any decision under subsection (4) above, have regard to any guidance issued by the Secretary of State under section 21 below.

(6) Where an exemption is granted by the exempting authority to a person under subsection (4) above the duties of the authority under section 19(3) above and of that

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person to report shall be suspended as respects the match or matches to which the exemption applies.

(7) A person who is aggrieved by the refusal of the exempting authority to grant him an exemption under subsection (4) above may, after giving the authority notice in writing of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which he resides.

(8) On any appeal under subsection (7) above the court may make such order as it thinks fit.

(9) The court may order the appellant to pay all or any part of the costs of an appeal under subsection (7) above.

(10) Any person commits an offence who, in connection with an application under this section to be exempted from a duty to report—

(a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or

(b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular.

(11) A person guilty of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

21 Functions of enforcing authority: supplementary provisions.

(1) The Secretary of State may issue to the enforcing authority such guidance as he considers appropriate for the purposes of the exercise of their functions under sections 19 and 20 above.

(2) The Secretary of State shall make such arrangements as he considers appropriate for publishing the guidance issued from time to time under subsection (1) above.

(3) The Secretary of State may make regulations regulating the giving by the enforcing authority to persons subject to restriction orders of notices under section 19 above imposing requirements to report to police stations; and it shall be the duty of the enforcing authority to comply with the regulations.

(4) Regulations under subsection (3) above may exclude the operation of section 25 below.

(5) The power to make regulations 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.

(6) Where any notice is given under section 19 above by the enforcing authority in accordance with regulations under subsection (3) above, the notice shall be taken to have been received by the person to whom it was addressed unless he proves that he did not receive the notice and did not know and had no reasonable cause to believe that he had been required to report to a police station.

(7) Where any notice is given under section 19 above by the enforcing authority in accordance with section 25 below, subsection (6) above shall apply as it applies to such a notice given in accordance with regulations under subsection (3) above.

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(8) The Secretary of State may pay to the enforcing authority any expenses incurred by them in exercising their functions under sections 19 and 20 above.

VALID FROM 28/08/2000

[F16 21A Summary measures: detention.

(1) This section and section 21B below apply during any control period in relation to a regulated football match outside England and Wales or an external tournament if a constable in uniform—

(a) has reasonable grounds for suspecting that the condition in section 14B(2) above is met in the case of a person present before him, and

(b) has reasonable grounds to believe that making a banning order in his case would help to prevent violence or disorder at or in connection with any regulated football matches.

(2) The constable may detain the person in his custody (whether there or elsewhere) until he has decided whether or not to issue a notice under section 21B below, and shall give the person his reasons for detaining him in writing.

This is without prejudice to any power of the constable apart from this section to arrest the person.

(3) A person may not be detained under subsection (2) above for more than four hours or, with the authority of an officer of at least the rank of inspector, six hours.

(4) A person who has been detained under subsection (2) above may only be further detained under that subsection in the same control period in reliance on information which was not available to the constable who previously detained him; and a person on whom a notice has been served under section 21B(2) below may not be detained under subsection (2) above in the same control period.**]**

Textual Amendments

F16 S. 21A inserted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 4**; S.I. 2000/2125, **art. 2**

Modifications etc. (not altering text)

C2 Ss. 14B, 21A, 21B restricted (28.7.2000) by 2000 c. 25, **s. 5(2)-(5)**; S.I. 2000/2125, **art. 2**

VALID FROM 28/08/2000

[F17 21B Summary measures: reference to a court.

(1) A constable in uniform may exercise the power in subsection (2) below if authorised to do so by an officer of at least the rank of inspector.

(2) The constable may give the person a notice in writing requiring him—

(a) to appear before a magistrates' court at a time, or between the times, specified in the notice,

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(b) not to leave England and Wales before that time (or the later of those times), and

(c) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to the constable,

and stating the grounds referred to in section 21A(1) above.

(3) The times for appearance before the magistrates' court must be within the period of 24 hours beginning with—

(a) the giving of the notice, or

(b) the person's detention under section 21A(2) above,

whichever is the earlier.

(4) For the purposes of section 14B above, the notice is to be treated as an application for a banning order made by complaint by the constable to the court in question and subsection (1) of that section is to have effect as if the references to the chief officer of police for the area in which the person resides or appears to reside were references to that constable.

(5) A constable may arrest a person to whom he is giving such a notice if he has reasonable grounds to believe that it is necessary to do so in order to secure that the person complies with the notice.

(6) Any passport surrendered by a person under this section must be returned to him in accordance with directions given by the court.**]**

Textual Amendments

F17 S. 21B inserted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 4**; S.I. 2000/2125, **art. 2**

Modifications etc. (not altering text)

C3 Ss. 14B, 21A, 21B restricted (28.8.2000) by 2000 c. 25, **s. 5(2)-(5)**; S.I. 2000/2125, **art. 2**

VALID FROM 28/08/2000

[[F18]21C Summary measures: supplementary

(1) The powers conferred by sections 21A and 21B above may only be exercised in relation to a person who is a British citizen.

(2) A person who fails to comply with a notice given to him under section 21B above is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.

(3) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court as required by the notice (whether under arrest or not), the court may remand him.

(4) A person who, by virtue of subsection (3) above, is remanded on bail under section 128 of the [M14]Magistrates' Courts Act 1980 may be required by the conditions of his bail—

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(a) not to leave England and Wales before his appearance before the court, and

(b) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.**]**

Textual Amendments

F18 S. 21C inserted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 4**; S.I. 2000/2125, **art. 2**

Marginal Citations

M14 1980 c.43.

VALID FROM 28/08/2000

[F19 21D Summary measures: compensation.

(1) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court and the court refuses the application for a banning order in respect of him, it may order compensation to be paid to him out of central funds if it is satisfied—

(a) that the notice should not have been given,

(b) that he has suffered loss as a result of the giving of the notice, and

(c) that, having regard to all the circumstances, it is appropriate to order the payment of compensation in respect of that loss.

(2) An appeal lies to the Crown Court against any refusal by a magistrates' court to order the payment of compensation under subsection (1) above.

(3) The compensation to be paid by order of the magistrates' court under subsection (1) above or by order of the Crown Court on an appeal under subsection (2) above shall not exceed £5,000 (but no appeal may be made under subsection (2) in respect of the amount of compensation awarded).

(4) If it appears to the Secretary of State that there has been a change in the value of money since the coming into force of this section or, as the case may be, the last occasion when the power conferred by this subsection was exercised, he may by order substitute for the amount specified in subsection (3) above such other amount as appears to him to be justified by the change.

(5) In this section, "central funds" has the same meaning as in enactments providing for the payment of costs.**]**

Textual Amendments

F19 S. 21D inserted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 4**; S.I. 2000/2125, **art. 2**

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Relevant offences outside England and Wales

22 Restriction orders arising out of offences outside England and Wales.

(1) Her Majesty may, by Order in Council, specify offences ("corresponding offences") under the law of any country outside England and Wales which appear to Her to correspond to any offence specified in Schedule 1 to this Act.

(2) Upon an information being laid before a justice of the peace for any area that a person who resides or is believed to reside in that area has been convicted of a corresponding offence in a country outside England and Wales, the justice may—
   (a) issue a summons directed to that person requiring him to appear before a magistrates' court for that area to answer to the information; or
   (b) subject to subsection (3) below, issue a warrant to arrest that person and bring him before a magistrates' court for that area.

(3) No warrant shall be issued under subsection (2) above unless the information is in writing and substantiated on oath.

(4) Where a person appears or is brought before a magistrates' court in pursuance of subsection (2) above, the court, if satisfied that—
   (a) he is ordinarily resident in England and Wales, and
   (b) has been convicted in the country outside England and Wales of the corresponding offence,

   may, unless it appears that the conviction is the subject of proceedings in a court of law in that country questioning the conviction, make a restriction order in relation to him.

(5) No restriction order may be made under this section in relation to a person unless the court is satisfied that making such an order in relation to him would help to prevent violence or disorder at or in connection with designated football matches.

(6) In proceedings under subsection (4) above, the court shall have the like powers, including power to adjourn the proceedings and meanwhile to remand the defendant on bail (but not in custody), and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were the trial of an information for a summary offence.

(7) Any person aggrieved by the decision of a magistrates' court making a restriction order under this section may appeal to the Crown Court against the decision.

(8) Sections 15(3) to (6) and 16 to 21 above shall apply in relation to a person subject to a restriction order under this section as they apply in relation to a person subject to a restriction order made by a magistrates' court under section 15.

(9) An Order in Council under subsection (1) above relating to any country may include provision—
   (a) specifying the authority in that country which is to certify the conviction of a person in that country of a corresponding offence, the nature and circumstances of the offence and whether or not the conviction is the subject of proceedings in that country questioning it; and
   (b) prescribing the form of such certificates.

(10) A certificate in the form prescribed by an Order in Council under subsection (1) above shall be admissible in any proceedings under this Part of this Act as evidence of the

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facts stated in the certificate and a document in that form shall be taken to be such a certificate unless the contrary is proved.

(11) In proceedings against a person under this section, the facts stated in such a certificate shall, on production of the certificate and proof that that person is the person whose conviction is certified, be taken to be proved unless the contrary is proved.

(12) Any statutory instrument containing an Order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

VALID FROM 28/08/2000

[[F20]22A Other interpretation, etc.

(1) In this Part—

"British citizen" has the same meaning as in the [M15]British Nationality Act 1981,

"country" includes territory,

"declaration of relevance" has the same meaning as in section 7,

"enforcing authority" means a prescribed organisation established by the Secretary of State under section 57 of the [M16]Police Act 1996 (central police organisations),

"passport" means a United Kingdom passport within the meaning of the [M17]Immigration Act 1971,

"prescribed" means prescribed by an order made by the Secretary of State.

(2) The Secretary of State may, if he considers it necessary or expedient to do so in order to secure the effective enforcement of this Part, by order provide for section 14(5) and (6) above to have effect in relation to any, or any description of, regulated football match or external tournament as if, for any reference to five days, there were substituted a reference to the number of days (not exceeding ten) specified in the order.

(3) Any power of the Secretary of State to make an order under this Part is exercisable by statutory instrument.

(4) An instrument containing an order made by the Secretary of State under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F20 S. 22A inserted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 18**; S.I. 2000/2125, **art. 2**

Marginal Citations

M15 1981 c. 61.
M16 1996 c. 16.
M17 1971 c. 77.

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PART III

GENERAL

23 Further provision about, and appeals against, declarations of relevance.

(1) Subject to subsection (2) below, a court may not make a declaration of relevance as respects any offence unless it is satisfied that the prosecutor gave notice to the defendant, at least five days before the first day of the trial, that it was proposed to show that the offence related to football matches.

(2) A court may, in any particular case, make a declaration of relevance notwithstanding that notice to the defendant as required by subsection (1) above has not been given if he consents to waive the giving of full notice or the court is satisfied that the interests of justice do not require more notice to be given.

(3) A person convicted of an offence as respects which the court makes a declaration of relevance may appeal against the making of the declaration of relevance as if the declaration were included in any sentence passed on him for the offence, and accordingly—

(a) in section 10(3) of the [M18]Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after the sub-paragraph (iv) inserted by section 15(7) above there shall be inserted "or

(v) a declaration of relevance under the Football Spectators Act 1989;";

(b) in section 50(1) of that Act (meaning of "sentence"), at the end there shall be inserted the words "and a declaration of relevance under the Football Spectators Act 1989"; and

(c) in section 108(3) of the [M19]Magistrates' Courts Act 1980 (right of appeal to the Crown Court), at the end there shall be inserted the words "and also includes a declaration of relevance under the Football Spectators Act 1989."

(4) A restriction order made upon a person's conviction of a relevant offence shall be quashed if the making of a declaration of relevance as respects that offence is reversed on appeal.

Marginal Citations

M18 1968 c. 19.

M19 1980 c. 43.

24 Offences by bodies corporate.

(1) Where an offence under this Act 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 similar officer of the body corporate, or any person 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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(2) Where the affairs of a body corporate are managed by its members, subsection (1) 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.

25 Service of documents.

(1) Any notice or other document required or authorised by or by virtue of this Act 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 [M20]Interpretation Act 1978 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 office 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 other case shall be the last known address of the person to be served.

(4) This section, and the said section 7 in its application to this section, is subject to section 21(4) and (7) above.

Marginal Citations
M20 1978 c. 30.

26 Financial provision.

(1) Any expenses of the Secretary of State under this Act shall be paid out of money provided by Parliament.

(2) Any fees received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

27 Citation, commencement, consequential repeal and extent.

(1) This Act may be cited as the Football Spectators Act 1989.

(2) The provisions of this Act (other than this section) shall not come into operation until such day as the Secretary of State may appoint by order made by statutory instrument.

(3) Different days may be appointed under subsection (2) above for different provisions of this Act.

(4) A statutory instrument appointing a commencement date for section 3 or section 13 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Sections 30 to 37 of the [M21]Public Order Act 1986 (which provide for exclusion orders) shall cease to have effect on the date appointed under subsection (2) above for the commencement of section 2 of this Act except for the purposes of the making under

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section 33 of that Act of applications after that date to terminate exclusion orders and the communication of terminating orders under section 34(2) of that Act.

(6) This Act, except paragraph 14 of Schedule 2, extends to England and Wales only.

Subordinate Legislation Made

P1 S. 27(2)(3) power exercised by S.I. 1991/1071
S. 27(2)(3): s. 27(2)(3) power exercised (1.8.1993) by S.I. 1993/1690.

P2 Power of appointment conferred by s. 27(2) partly exercised: S.I. 1990/690, 926

Marginal Citations

M21 1986 c. 64.

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SCHEDULES

SCHEDULE 1

Sections 7(5), 14(5) and 22(1).

RELEVANT OFFENCES

The offences relevant for the purposes of sections 7(2) and 15(1) of this Act are the following—

(a) any offence under section 2(1) or 5(7) of this Act;

(b) any offence under section 2 of the [M22]Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol containers at sports grounds) committed by the accused at any designated football match or while entering or trying to enter the ground;

(c) any offence under section 5 of the [M23]Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;

(d) any offence involving the use or threat of violence by the accused towards another person committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;

(e) any offence involving the use or threat of violence towards property committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;

(f) any offence under section 12 of the [M24]Licensing Act 1872 (persons found drunk in public places, etc.) of being found drunk in a highway or other public place committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;

(g) any offence under section 91(1) of the [M25]Criminal Justice Act 1967 (disorderly behaviour while drunk in a public place) committed in a highway or other public place while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;

(h) any offence under section 1 of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol on coaches or trains to or from sporting events) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;

(i) any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;

(j) any offence under section 4 or 5 of the [M26]Road Traffic Act 1988 (driving etc. when under the influence of drink or drugs or with an alcohol concentration above the prescribed limit) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;

(k) any offence involving the use or threat of violence by the accused towards another person committed while one or each of them was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance;

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(l) any offence involving the use or threat of violence towards property committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration of relevance.

Marginal Citations

M22 1985 c. 57.
M23 1986 c. 64.
M24 1872 c. 94.
M25 1967 c. 80.
M26 1988 c. 52.

VALID FROM 28/08/2000

[F21] 1 This Schedule applies to the following offences:

(a) any offence under section 2(1), 5(7), 14J(1) or 21C(2) of this Act,

(b) any offence under section 2 or 2A of the [M27]Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol, containers and fireworks) committed by the accused at any football match to which this Schedule applies or while entering or trying to enter the ground,

(c) any offence under section 5 of the [M28]Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

(d) any offence involving the use or threat of violence by the accused towards another person committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

(e) any offence involving the use or threat of violence towards property committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

(f) any offence involving the use, carrying or possession of an offensive weapon or a firearm committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises,

(g) any offence under section 12 of the [M29]Licensing Act 1872 (persons found drunk in public places, etc.) of being found drunk in a highway or other public place committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(h) any offence under section 91(1) of the [M30]Criminal Justice Act 1967 (disorderly behaviour while drunk in a public place) committed in a highway or other public place while the accused was on a journey to or from a football match to which this Schedule applies being an offence

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as respects which the court makes a declaration that the offence related to football matches,

(j) any offence under section 1 of the [M31]Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol on coaches or trains to or from sporting events) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(k) any offence under section 5 of the [M32]Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(l) any offence under section 4 or 5 of the [M33]Road Traffic Act 1988 (driving etc. when under the influence of drink or drugs or with an alcohol concentration above the prescribed limit) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(m) any offence involving the use or threat of violence by the accused towards another person committed while one or each of them was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(n) any offence involving the use or threat of violence towards property committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(o) any offence involving the use, carrying or possession of an offensive weapon or a firearm committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches,

(p) any offence under the [M34]Football (Offences) Act 1991,

(q) any offence under section 5 of the [M35]Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred)—

(i) which does not fall within paragraph (c) or (k) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, and

(iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period,

(r) any offence involving the use or threat of violence by the accused towards another person—

(i) which does not fall within paragraph (d) or (m) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, and

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(iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period,

(s) any offence involving the use or threat of violence towards property—

(i) which does not fall within paragraph (e) or (n) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, and

(iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period,

(t) any offence involving the use, carrying or possession of an offensive weapon or a firearm—

(i) which does not fall within paragraph (f) or (o) above,

(ii) which was committed during a period relevant to a football match to which this Schedule applies, and

(iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period.

(u) any offence under section 166 of the [M36]Criminal Justice and Public Order Act 1994 (sale of tickets by unauthorised persons) which relates to tickets for a football match.

Textual Amendments

F21 Sch. 1 substituted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 5**; S.I. 2000/2125, **art. 2**

Marginal Citations

M27 1985 c. 57.
M28 1986 c. 64.
M29 1872 c. 94.
M30 1967 c. 80.
M31 1985 c. 57.
M32 1986 c. 64.
M33 1988 c. 52.
M34 1991 c. 19.
M35 1986 c. 64.
M36 1994 c. 33.

VALID FROM 28/08/2000

[F22]2 Any reference to an offence in paragraph 1 above includes—

(a) a reference to any attempt, conspiracy or incitement to commit that offence, and

(b) a reference to aiding and abetting, counselling or procuring the commission of that offence.

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Textual Amendments

F22 Sch. 1 substituted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 5**; S.I. 2000/2125, **art. 2**

VALID FROM 28/08/2000

F23 3 For the purposes of paragraphs 1(g) to (o) above—

(a) a person may be regarded as having been on a journey to or from a football match to which this Schedule applies whether or not he attended or intended to attend the match, and

(b) a person's journey includes breaks (including overnight breaks).

Textual Amendments

F23 Sch. 1 substituted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 5**; S.I. 2000/2125, **art. 2**

VALID FROM 28/08/2000

F24 4 In this Schedule, "football match" means a match which is a regulated football match for the purposes of Part II of this Act.

(2) Section 1(8) and (8A) above apply for the interpretation of references to periods relevant to football matches.

Textual Amendments

F24 Sch. 1 substituted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 5**; S.I. 2000/2125, **art. 2**

SCHEDULE 2

Section 8.

THE FOOTBALL LICENSING AUTHORITY: SUPPLEMENTARY PROVISIONS

Status and capacity

1 (1) The licensing authority shall be a body corporate.

(2) The licensing authority shall not be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

(3) The licensing authority shall not be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local.

(4) The licensing authority shall have power to do anything which is calculated to facilitate the discharge of its functions, or is incidental or conducive to their discharge.

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Appointment and tenure of members

2 It shall be the duty of the Secretary of State—

(a) to satisfy himself, before he appoints a person to be a member of the licensing authority, that he will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and

(b) to satisfy himself from time to time with respect to each member that he has no such interest.

3 Any person who is, or whom the Secretary of State proposes to appoint to be, a member of the licensing authority shall, whenever requested by the Secretary of State to do so, furnish to him such information as the Secretary of State considers necessary for the performance by him of his duties under paragraph 2 above.

4 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman of the licensing authority in accordance with the terms of his appointment.

5 A person shall not be appointed as a member of the licensing authority for more than three years at a time.

6 A person may at any time resign his office as a member or the chairman of the licensing authority by giving the Secretary of State a signed notice in writing stating that he resigns that office.

7 Where a member becomes or ceases to be the chairman, the Secretary of State may vary the terms of his appointment as a member of the licensing authority so as to alter the date on which he is to vacate office as a member.

8 If the Secretary of State is satisfied that a member of the licensing authority—

(a) has been absent from meetings of the licensing authority for a period longer than three consecutive months without the permission of the licensing authority, or

(b) has become bankrupt or made an arrangement with his creditors, or

(c) is unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member of the licensing authority vacant, and notify the declaration in such manner as he thinks fit; and thereupon the office shall become vacant.

9 A person who ceases to be a member, or ceases to be chairman, of the licensing authority shall be eligible for re-appointment.

Remuneration and pensions of members

10 The licensing authority may pay to each member such remuneration and allowances as the Secretary of State may determine.

11 The licensing authority may pay, or make provision for paying, to or in respect of any member such sums by way of pensions, allowances or gratuities as the Secretary of State may determine.

12 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the licensing authority may make to him a payment of such amount as the Secretary of State may determine.

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13 The approval of the Treasury shall be required for any determination under paragraphs 10, 11 or 12 above.

Disqualification of members of licensing authority for House of Commons and Northern Ireland Assembly

14 In Part II of Schedule 1 to the [M37]House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), the following entry shall be inserted at the appropriate place in alphabetical order—

"The Football Licensing Authority";

and the like insertion shall be made in Part II of Schedule 1 to the [M38]Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations
M37 1975 c. 24.
M38 1975 c. 25.

Proceedings

15 The quorum of the licensing authority and the arrangements relating to its meetings shall be such as the licensing authority may determine.

16 (1) A member of the licensing authority who is in any way directly or indirectly interested in any matter which falls to be considered by the authority shall disclose the nature of his interest at a meeting of the licensing authority and the disclosure shall be recorded in the minutes of the meeting.

(2) The member shall not take part after the disclosure in any deliberation or decision with respect to the matter.

17 The validity of any proceedings of the licensing authority shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 16 above.

Inspectors, officers and employees

18 The licensing authority may appoint such inspectors as it may determine to perform such functions as are assigned to them by or under this Part of this Act.

19 The licensing authority may appoint a secretary and such other officers, and take into their employment such other persons, as it may determine.

20 The terms and conditions of appointments under paragraphs 18 and 19 above shall require the approval of the Secretary of State and the consent of the Treasury.

21 The licensing authority shall, as regards such of its inspectors, officers and employees as with the approval of the Secretary of State and the consent of the Treasury it may determine, pay to or in respect of them such pensions, allowances or gratuities (including pensions, allowances or gratuities by way of compensation for loss of employment), or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

22 If an inspector, officer or employee of the licensing authority—

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(a) is a participant in any pension scheme applicable to that employment, and
(b) becomes a member of the licensing authority,

he may, if the Secretary of State with the consent of the Treasury so determines, be treated for the purposes of the pension scheme as if his service as a member of the licensing authority were service as an employee of the licensing authority, whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 10 or 11 above.

Accounts and audit

23 The licensing authority shall keep proper accounts and proper records in relation to the accounts, and shall prepare for each accounting year a statement of accounts in such form as the Secretary of State, with the approval of the Treasury, may direct.

24 The accounts of the licensing authority shall be audited by auditors appointed for each accounting year by the Secretary of State.

25 A person shall not be qualified for appointment for the purposes of paragraph 24 above unless he is—

(a) a member of a body of accountants established in the United Kingdom and recognised for the purposes of section 389(1)(a) of the [M39]Companies Act 1985; or
(b) a member of the Chartered Institute of Public Finance and Accountancy;

but a firm may be appointed if each of its members is qualified to be so appointed.

Marginal Citations
M39 1985 c. 6.

26 A copy of any accounts of the licensing authority which are audited under paragraph 24 above and of the report made on those accounts by the auditors shall be sent by the licensing authority to the Secretary of State as soon as reasonably practicable after it receives them; and the Secretary of State shall lay before Parliament a copy of any accounts or report received by him under this paragraph.

27 The Comptroller and Auditor General may inspect any records relating to the accounts.

28 In paragraphs 23 and 24 above, "accounting year" means the period beginning with the day when the licensing authority is established and ending with the following 31st March, or any later period of twelve months ending with the 31st March.

Authentication of licensing authority's seal

29 The application of the seal of the licensing authority shall be authenticated by the signature of the chairman of the authority or some other person authorised by the authority to act for that purpose and that of one other member.

Presumption of authenticity of documents issued by licensing authority

30 Any document purporting to be an instrument issued by the licensing authority and to be sealed in accordance with paragraph 29 above, or to be signed on behalf

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of the authority, shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

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