



Football Spectators Act 1989

1989 CHAPTER 37

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.
- (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.

Status: Point in time view as at 10/11/2004. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part I. (See end of Document for details)

- (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.
- [^{F1}(8A) In its application to an offence specified in paragraph [^{F2}1(q), (r), (s) or (t)] of Schedule 1 to this Act, subsection (8) above shall have effect as if—
- (a) the reference to a designated football match included a reference to a [^{F3}regulated football matches (within the meaning)] of Part II of this Act,
 - (b) for “two hours”, wherever occurring, there were substituted “24 hours”,
 - (c) for “one hour”, wherever occurring, there were substituted “24 hours”, and
 - (d) paragraph (a)(iii) were omitted.]
- (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 of any person to exclude persons from admission to the premises at which the match is played.

Textual Amendments

F1 S. 1(8A) inserted (27.9.1999) by 1999 c. 21, ss. 2(3), 12(5) (with s. 12(3))

F2 Words in s. 1(8A) substituted (28.8.2000) by 2000 c. 25, s. 1(2), Sch. 2 para. 12(a); S.I. 2000/2125, art. 2

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Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part 1. (See end of Document for details)

F3 Words in s. 1(8A) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 12(b)**; S.I. 2000/2125, **art. 2**

VALID FROM 01/04/2005

National Membership Scheme

PROSPECTIVE

F⁴2 **Offences relating to unauthorised attendance at designated football matches.**

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Textual Amendments

F4 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

F⁴3 **The Football Membership Authority.**

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Textual Amendments

F4 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

F⁴4 **National membership scheme: making, approval, modification etc.**

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Textual Amendments

F4 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

^{F4}5 National membership scheme: contents and penalties.

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Textual Amendments

- F4** 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

^{F4}6 Phased application of scheme.

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Textual Amendments

- F4** 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 [^{F5}the domestic football banning order] under section 30 of the ^{M1}Public Order Act 1986 (exclusion from prescribed football matches) [^{F6}or a banning order under Part II of this Act] 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 [^{F7}to which Schedule 1 to this Act applies].

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^{F8}(6)

(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 [^{F9}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—

[^{F10}(a) “declaration of relevance” means a declaration by the court 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 ^{M3}Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Textual Amendments

F5 Words in s. 7(1) substituted (27.9.1999) by 1999 c. 21, ss. 6(2)(c), 12(2) (with s. 12(3))

F6 Words in s. 7(1) inserted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 13(a)**; S.I. 2000/2125, **art. 2**

F7 Words in s. 7(5) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 13(b)**; S.I. 2000/2125, **art. 2**

F8 S. 7(6) repealed (28.8.2000) by 2000 c. 25, s. 1(2)(3), **Sch. 2 para. 13(c)**, **Sch. 3**; S.I. 2000/2125, **art. 2**

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F9 Words in s. 7(7)(b) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 158**; S.I. 2001/916, **art. 2(a)(ii)**

F10 S. 7(10)(a) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 13(d)**; S.I. 2000/2125, **art. 2**

Marginal Citations

M1 1986 c. 64.

M2 1973 c. 62.

M3 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.

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—
 - (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**.

Status: Point in time view as at 10/11/2004. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part 1. (See end of Document for details)

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.
- (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.

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- (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
 - (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

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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—
 - (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.

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- (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 ^{F11}—
 - (a) the local authority;
 - (b) the chief officer of police;
 - (c) if the local authority are not the fire and rescue authority, the fire and rescue authority; and
 - (d) if the local authority are not the building authority, the building authority.]
- (4) As respects those terms and conditions, the local authority need not consult the chief officer of police, the ^{F12}fire and rescue 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.
- (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

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- (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.

Textual Amendments

- F11** S. 13(3)(a)-(d) substituted for words in s. 13(3) (1.10.2004 except in relation to W., 10.11.2004 in so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 70\(2\)](#); [S.I. 2004/2304, art. 2](#); [S.I. 2004/2917, art. 2](#)
- F12** Words in s. 13(4) substituted (1.10.2004 except in relation to W., 10.11.2004 in so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 70\(3\)](#); [S.I. 2004/2304, art. 2](#); [S.I. 2004/2917, art. 2](#)

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.](#)

Status:

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