



# Football Spectators Act 1989

## 1989 CHAPTER 37

### [<sup>F1</sup>PART II

#### REGULATED FOOTBALL MATCHES]

##### *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 [<sup>F1</sup>a banning 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 [<sup>F2</sup>the banning order, so far as relating to regulated football matches outside England and Wales.
- (2A) If, in connection with any regulated football match outside England and Wales, the enforcing authority is of the opinion that requiring any person subject to a banning order to report is necessary or expedient in order to reduce the likelihood of violence or disorder at or in connection with the match, the authority must give him a notice in writing under subsection (2B) below.
- (2B) The notice must require that person—
  - (a) to report at a police station specified in the notice at the time, or between the times, specified in the notice,
  - (b) if the match is outside the United Kingdom and the order imposes a requirement as to the surrender by him of his passport, to surrender his passport at a police station specified in the notice at the time, or between the times, specified in the notice,

and may require him to comply with any additional requirements of the order in the manner specified in the notice.

*Status: Point in time view as at 28/08/2000.*

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- (2C) In the case of any regulated football match, the enforcing authority may by notice in writing require any person subject to a banning order to comply with any additional requirements of the order in the manner specified in the notice.
- (2D) The enforcing authority may establish criteria for determining whether any requirement under subsection (2B) or (2C) above ought to be imposed on any person or any class of person.
- (2E) A notice under this section—
- (a) may not require the person subject to the order to report except in the control period in relation to a regulated football match outside England and Wales or an external tournament,
  - (b) may not require him to surrender his passport except in the control period in relation to a regulated football match outside the United Kingdom or an external tournament which includes such matches.
- (2F) Where a notice under this section requires the person subject to the order to surrender his passport, the passport must be returned to him as soon as reasonably practicable after the end of the control period in question.]
- (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.

#### Textual Amendments

- F1** Words in s. 19 substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 10**; S.I. 2000/2125, **art. 2**
- F2** S. 19(2A)-(2F) and words in s. 19(2) substituted for the words from “international” in subsection (2) to the end of subsection (4) (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 3(2)**; S.I. 2000/2125, **art. 2**

## 20 Exemptions from requirement to report as respects a match.

- (1) A person who is subject to [<sup>F3</sup>a banning order] may—
- (a) as respects a particular [<sup>F4</sup>regulated football match], or
  - (b) as respects [<sup>F4</sup>regulated football matches] played during a period,
- apply to the authority empowered to grant exemptions under this section (“the exempting authority”) to be exempt from [<sup>F5</sup>the requirements imposed by or under this Part, or any of them] 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 [<sup>F6</sup>made during the control period in relation to any match to which the application applies, the officer responsible for a police station may grant the exemption as respects that match, subject to subsection (3) below].
- (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.

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- (4) The exempting authority shall exempt the applicant from [<sup>F7</sup>the requirements imposed by or under this Part, or any of them, as respects any match or matches to which the application relates] 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 [<sup>F8</sup>the banning order is to have effect subject to the exemption and, accordingly, no requirement is to be imposed under section 19 which is inconsistent with the exemption].
- (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 [<sup>F9</sup>the requirements imposed by or under this Part, or any of them]—
- (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.

#### Textual Amendments

- F3** Words in s. 20(1) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 10**; S.I. 2000/2125, **art. 2**
- F4** Words in s. 20(1) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 11**; S.I. 2000/2125, **art. 2**
- F5** Words in s. 20(1) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 15(a)**; S.I. 2000/2125, **art. 2**
- F6** Words in s. 20(2) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 15(b)**; S.I. 2000/2125, **art. 2**
- F7** Words in s. 20(4) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 15(c)**; S.I. 2000/2125, **art. 2**
- F8** Words in s. 20(6) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 15(d)**; S.I. 2000/2125, **art. 2**

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**F9** Words in s. 20(10) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 15(e)**; S.I. 2000/2125, **art. 2**

## **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 <sup>F10</sup>banning orders] of notices under section 19 above <sup>F11</sup>. . . ; 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 <sup>F12</sup>requirements had been imposed on him under section 19 above].
- (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.
- (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.

### **Textual Amendments**

- F10** Words in s. 21(3) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 16**; S.I. 2000/2125, **art. 2**
- F11** Words in s. 21(3) repealed (27.9.1999) by 1999 c. 21, **ss. 3(12), 12(2)** (with s.12(3))
- F12** Words in s. 21(6) substituted (27.9.1999) by 1999 c. 21, **ss. 3(13), 12(2)** (with s. 12(3))

## **<sup>F13</sup>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.

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- (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

**F13** 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)

**C1** Ss. 14B, 21A, 21B restricted (28.7.2000) by 2000 c. 25, s. 5(2)-(5); S.I. 2000/2125, art. 2

#### [<sup>F14</sup>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—
- to appear before a magistrates' court at a time, or between the times, specified in the notice,
  - not to leave England and Wales before that time (or the later of those times), and
  - 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—
- the giving of the notice, or
  - 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.

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- (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

**F14** 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)

**C2** Ss. 14B, 21A, 21B restricted (28.8.2000) by 2000 c. 25, s. 5(2)-(5); S.I. 2000/2125, art. 2

### [<sup>F15</sup>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 <sup>M1</sup>Magistrates' Courts Act 1980 may be required by the conditions of his bail—
  - (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

**F15** 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

**M1** 1980 c.43.

### [<sup>F16</sup>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

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- (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.]

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**Textual Amendments**

**F16** 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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