

FOOTBALL (OFFENCES AND DISORDER) ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: International football banning orders

13. This section amends section 15 of the 1989 Act. One of the effects of the section is to change the name of “restriction orders” to “international football banning orders”. The main effect of the section is to place a duty on the court, in a case where a person is convicted of a football-related offence, to make an international football banning order if it is satisfied that there are reasonable grounds to believe that making the order would help prevent violence or disorder at or in connection with designated overseas football matches. The section also provides that a court which does not make an order must state in open court the reasons why it is not satisfied that such reasonable grounds exist.

Section 2: Relevant offences

14. This section amends Schedule 1 to, and certain other provisions of, the 1989 Act. The Schedule lists the offences in respect of which a court may make an international football banning order. The effect of the amendments is to add to, and widen the scope of, those offences.
15. The section adds to the Schedule certain offences of violence or disorder which are not committed at a football ground or on a journey to a football match but which are committed within 24 hours of a designated football match and which relate to that match. The section also adds the offence of ticket-touting to the Schedule. In addition, the offences in the Schedule are extended to cover attempts, conspiracy and incitement to commit such offences and aiding and abetting, counselling or procuring the commission of such offences. Finally, the meaning of journey in paragraphs (f) to (l) of the Schedule is extended in such a way that a journey may include breaks, and that a person may be regarded as on a journey to a match even though he does not attend or intend to attend the match.

Section 3: Conditions and duty to report

16. This section amends the 1989 Act so as to confer powers on the courts to impose conditions when making an international football banning order. Those conditions may include conditions with respect to the surrender of passports. A person may not be required to surrender his passport more than five days in advance of a requirement to report and his passport must be returned as soon as reasonably practicable after the match in question has taken place. The section creates an offence of failing to comply with such conditions. The enforcing authority will retain the ability to grant exemptions from any requirement to report and may grant exemptions from any requirement to comply with such conditions. The section also places a requirement on the person subject to a reporting requirement to report to a named police station in England and Wales. This removes the ability of a person subject to

an order to attend a police station of their choice without prior indication to that police station or to the enforcing authority.

Section 4: Duration and termination of orders

17. This section amends the 1989 Act so as to increase the minimum and maximum periods for which an international banning order is to have effect. In a case where a person has received a custodial sentence which is not suspended, the maximum period becomes ten years and the minimum period becomes six years. In any other case, the maximum period becomes five years and the minimum period becomes three years. The section also provides that a person may apply to the court for an order to be terminated when at least two-thirds of the period for which it has effect has expired.

Section 5: Offences outside England and Wales

18. This section amends section 22 of the 1989 Act, a provision which enables international banning orders to be made in respect of offences committed outside England and Wales which correspond to those in Schedule 1 to that Act. The section enables the period within which a corresponding overseas offence may be committed to be longer than that for the equivalent offence in Schedule 1. The section places similar duties on the courts to those mentioned in connection with section 1. The section also simplifies the process under which details of convictions for corresponding football-related offences committed outside England and Wales are provided.

Section 6: Domestic football banning orders

19. This section replaces section 30 of the 1986 Act. One of the effects of the section is to change the name of “exclusion orders” to “domestic football banning orders”. The section places similar duties on the courts to those mentioned in connection with section 1. In addition, the Crown Court is given the power to make such orders in cases where persons are committed for sentencing. This brings section 30 into line with section 15 of the 1989 Act.

Section 7: Offences to which section 31 of 1986 Act apply

20. This section replaces section 31 of the 1986 Act. The effect of the section is that the offences in respect of which a domestic football banning order can be made are the same as those in respect of which an international football banning order can be made, namely, those in Schedule 1 to the 1989 Act.

Section 8: Effect of orders etc

21. This section amends the 1986 Act. The section provides for a domestic football banning order to have effect for a minimum period of one year and a maximum period of three years. The penalty for breach of a domestic football banning order is increased. This will bring the domestic football banning order into line with the present arrangements for breach of an international football banning order. The section also makes breach of a domestic football banning order an arrestable offence for the purposes of the Police and Criminal Evidence Act 1984.

Section 9: Indecent or racist chanting

22. This section amends the offence of indecent or racist chanting at designated football matches which is contained in section 3 of the 1991 Act. The effect of the amendment is that the offence can be committed by an individual who engages in such chanting on his own. At present the offence is only committed if a person takes part in such chanting with others.

*These notes refer to the Football (Offences and Disorder) Act
1999 (c.21) which received Royal Assent on 27th July 1999*

Section 10: Sales of tickets by unauthorised persons

23. This section amends the offence of ticket-touting which is contained in section 166 of the 1994 Act. At present the offence only extends to the sale of tickets for designated football matches in England and Wales. Section 10 will extend the offence to the sale of tickets for designated football matches played overseas.