



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 3

MISCELLANEOUS

PROSPECTIVE

Football

52 Football-related disorder

- (1) Section 5(2) of the Football (Disorder) Act 2000 (c. 25) (which imposes a latest date of 27th August 2007 for the making of applications for football banning orders under the Football Spectators Act 1989 (c. 37) and for the exercise of constables' powers under that Act to take summary measures) shall have no effect.
- (2) Schedule 3 (which amends the provisions of the Football Spectators Act 1989 relating to football banning orders and makes other amendments consequential on the amendment of that Act by this Act) has effect.
- (3) Sections 2 to 7 of the Football Spectators Act 1989 (the national membership scheme) shall cease to have effect.

53 Sale and disposal of tickets by unauthorised persons

- (1) The Criminal Justice and Public Order Act 1994 (c. 33) is amended as follows.
- (2) In section 166 (sale of tickets by unauthorised persons), for subsection (1) substitute—
 - “(1) It is an offence for an unauthorised person to—
 - (a) sell a ticket for a designated football match, or
 - (b) otherwise to dispose of such a ticket to another person.”
- (3) In subsection (2) of that section—

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- (a) in paragraph (a)—
 - (i) after “sell” insert “ or otherwise dispose of ”;
 - (ii) omit “ by the home club or ”;
 - (b) after paragraph (a) insert—
 - “(aa) a reference to selling a ticket includes a reference to—
 - (i) offering to sell a ticket;
 - (ii) exposing a ticket for sale;
 - (iii) making a ticket available for sale by another;
 - (iv) advertising that a ticket is available for purchase; and
 - (v) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so.”;
 - (c) in paragraph (c), for “Part I of the Football Spectators Act 1989 or which is a regulated football match for the purposes of Part II of that Act” substitute “ this section by order made by the Secretary of State ”.
- (4) After subsection (2) of that section insert—
- “(2A) An order under subsection (2)(c) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order.
- (2B) The power of the Secretary of State to make an order under subsection (2) (c) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) In subsection (7) of that section, in paragraph (b), omit “ the home club or ”.
- (6) After section 166 insert—

“166A Supplementary provision relating to sale and disposal of tickets on internet

- (1) Nothing in section 166 makes it an offence for a service provider established outside of the United Kingdom to do anything in the course of providing information society services.
- (2) If—
 - (a) a service provider established in the United Kingdom does anything in an EEA State other than the United Kingdom in the course of providing information society services, and
 - (b) the action, if done in England and Wales, would constitute an offence falling within section 166(1),
 the service provider shall be guilty in England and Wales of an offence under that section.
- (3) A service provider is not capable of being guilty of an offence under section 166 in respect of anything done in the course of providing so much of an information society service as consists in—
 - (a) the transmission in a communication network of information falling within subsection (4), or
 - (b) the storage of information provided by a recipient of the service,

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except where subsection (5) applies.

(4) Information falls within this subsection if—

- (a) it is provided by a recipient of the service; and
- (b) it is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient.

(5) This subsection applies at any time in relation to information if—

- (a) the service provider knew when that information was provided that it contained material contravening section 166; or
- (b) that information is stored at that time (whether as mentioned in subsection (3)(b) or (4)) in consequence of the service provider's failure expeditiously to remove the information, or to disable access to it, upon obtaining actual knowledge that the information contained material contravening section 166.

(6) In this section—

“the Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“information society services”—

- (a) has the meaning set out in Article 2(a) of the Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive [98/48/EC](#) of 20 July 1998); and
- (b) is summarised in recital 17 of the Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“EEA State” means a state which is for the time being a member State, Norway, Iceland or Liechtenstein;

“recipient of the service” means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“service provider” means any person providing an information society service.”

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