



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 10

MANAGEMENT OF OFFENDERS

CHAPTER 5

FOOTBALL BANNING ORDERS

190 Football banning orders: relevant offences

- (1) The Football Spectators Act 1989 is amended as follows.
- (2) Schedule 1 (football banning orders: relevant offences) is amended in accordance with subsections (3) to (7).
- (3) In paragraph 1(c) (certain offences under the Public Order Act 1986 committed at premises)—
 - (a) after “any offence under section” insert “4,” and
 - (b) before “harassment” insert “fear or provocation of violence, or”.
- (4) In paragraph 1(k) (certain offences under the Public Order Act 1986 committed on a journey to or from a football match)—
 - (a) after “any offence under section” insert “4,” and
 - (b) before “harassment” insert “fear or provocation of violence, or”.
- (5) In paragraph 1(q) (certain offences under the Public Order Act 1986 which the court declares to be related to a football match)—
 - (a) after “any offence under section” insert “4,”
 - (b) before “harassment” insert “fear or provocation of violence, or”, and

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- (c) omit “or any provision of Part 3 or 3A of that Act (hatred by reference to race etc)”.
- (6) In paragraph 1, after paragraph (u) insert—
 - “(v) any offence under any provision of Part 3 or 3A of the Public Order Act 1986 (hatred by reference to race etc)—
 - (i) which does not fall within paragraph (c) or (k), and
 - (ii) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation,
 - (w) any offence under section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated public order offences) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation,
 - (x) any offence under section 1 of the Malicious Communications Act 1988 (offence of sending letter, electronic communication or article with intent to cause distress or anxiety)—
 - (i) which does not fall within paragraph (d), (e), (m), (n), (r) or (s),
 - (ii) as respects which the court has stated that the offence is aggravated by hostility of any of the types mentioned in section 66(1) of the Sentencing Code (racial hostility etc), and
 - (iii) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation,
 - (y) any offence under section 127(1) of the Communications Act 2003 (improper use of public telecommunications network)—
 - (i) which does not fall within paragraph (d), (e), (m), (n), (r) or (s),
 - (ii) as respects which the court has stated that the offence is aggravated by hostility of any of the types mentioned in section 66(1) of the Sentencing Code (racial hostility etc), and
 - (iii) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation.”
- (7) In paragraph 4—
 - (a) the words from “In this Schedule” to “Part II of this Act.” become sub-paragraph (1),
 - (b) after sub-paragraph (1) insert—
 - “(1A) In this Schedule “football organisation” means an organisation which is a regulated football organisation for the purposes of Part 2 of this Act.”, and
 - (c) after sub-paragraph (2) insert—

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“(3) The provision that may be made by an order made by the Secretary of State for the purposes of this Schedule includes provision that a person has a prescribed connection with a football organisation where—

- (a) the person has had a connection of a prescribed kind with a football organisation in the past, or
- (b) the person will or may have a connection of a prescribed kind with a football organisation in the future.”

(8) In section 14 (main definitions), after subsection (2) insert—

“(2A) “Regulated football organisation” means an organisation (whether in the United Kingdom or elsewhere) which—

- (a) relates to association football, and
- (b) is a prescribed organisation or an organisation of a prescribed description.”

(9) Section 23 (further provision about, and appeals against, declarations of relevance) is amended in accordance with subsections (10) and (11).

(10) In subsection (1), for the words from “related to football matches” to the end of the subsection substitute “—

- (a) related to football matches,
- (b) related to a particular football match or to particular football matches,
- (c) related to a football organisation, or
- (d) related to a person whom the defendant knew or believed to have a prescribed connection with a football organisation,

as the case may be.”

(11) In subsection (5), for the words from “related to football matches” to the end of the subsection substitute “—

- (a) related to football matches,
- (b) related to one or more particular football matches,
- (c) related to a football organisation, or
- (d) related to a person whom the defendant knew or believed to have a prescribed connection with a football organisation.”

(12) This section does not apply in relation to an offence committed before the day appointed by regulations under section 208(1) for its coming into force (so far as it has not previously been commenced by section 208(4)(y)).

Commencement Information

11 S. 190 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(y\)](#)

12 [S. 190](#) in force at 29.6.2022 in so far as not already in force by [S.I. 2022/520](#), [reg. 6\(a\)](#)

191 Football banning orders: power to amend list of relevant offences

(1) In section 14 of the Football Spectators Act 1989 (main definitions), after subsection (8) insert—

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- “(9) The Secretary of State may by regulations amend paragraph 1 of Schedule 1 so as to add, modify or remove a reference to an offence or a description of offence.
- (10) Regulations under subsection (9) may make consequential amendments to this Act.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (2) Section 22A of that Act (other interpretation, etc) is amended in accordance with subsections (3) and (4).
- (3) In subsection (3), after “order” insert “or regulations”.
- (4) After subsection (3) insert—
- “(3A) An order or regulations under this Part—
- (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.”

Commencement Information

I3 S. 191 in force at Royal Assent, see [s. 208\(4\)\(z\)](#)

192 Football banning orders: requirement to make order on conviction etc

- (1) In section 14A of the Football Spectators Act 1989 (banning order made on conviction of an offence), for subsections (2) and (3) substitute—
- “(2) The court must make a banning order in respect of the offender unless the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to do so.
- (3) Where the court does not make a banning order it must state in open court the reasons for not doing so.”
- (2) Section 22 of that Act (banning orders arising out of offences outside England and Wales) is amended in accordance with subsections (3) and (4).
- (3) In subsection (4), for the words following paragraph (b) substitute—
- “must make a banning order in relation to the person, unless subsection (5) applies.”
- (4) For subsections (5) and (5A) substitute—
- “(5) This subsection applies if—
- (a) it appears to the court that the conviction of the corresponding offence in a country outside England and Wales is the subject of proceedings in a court of law in that country questioning the conviction, or

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- (b) the court considers that there are particular circumstances relating to the corresponding offence or to the person which would make it unjust in all the circumstances to make a banning order.

(5A) Where the court does not make a banning order on the ground mentioned in subsection (5)(b) it must state in open court the reasons for not doing so.”

- (5) This section does not apply in relation to an offence committed before the day appointed by regulations under section 208(1) for its coming into force.

Commencement Information

I4 S. 192 not in force at Royal Assent, see [s. 208\(1\)](#)

I5 [S. 192](#) in force at 29.6.2022 by [S.I. 2022/520](#), [reg. 6\(b\)](#)

Changes to legislation:

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