

**EXPLANATORY MEMORANDUM TO
THE FOOTBALL SPECTATORS (2006 WORLD CUP CONTROL PERIOD)
ORDER 2006**

2006 No. 988

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order describes the control period under the Football Spectators Act 1989 for the FIFA (Federation Internationale de Football Associations) 2006 World Cup tournament in Germany. The control period begins on 30th May 2006, that is ten days before the first match in the tournament, and ends when the last match in the tournament is finished or cancelled. The last match is due to be played on 9th July 2006.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The instrument is made under section 14(6) and 22A(2) of the Football Spectators Act 1989.

4.2 During a control period the powers contained in sections 19 (requirements for those subject to banning orders to report to police station and surrender passport) and 21A and 21B (summary powers to detain and refer to a court with a view to the making of a banning order) of the 1989 Act are exercisable. Those powers were inserted into the 1989 Act by the Football (Disorder) Act 2000 for an initial period of one year, extended by statutory instrument (The Football (Disorder) (Duration of Powers) Order 2001 S.I. 2001/2646) for a further year until 27th August 2002, and extended in the Football (Disorder) (Amendment) Act 2002 for a five year period until 28th August 2007.

4.3 Previous Statutory Instruments defined the control period for the 2002 World Cup (S.I. 2002/1143) and Euro 2004 (S.I. 2004/1029). This control period is the first to make use of the power in section 22A(2) of the Football Spectators Act 1989 to start the control period ten days before the tournament's first match in order to secure effective enforcement of the control period.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 During a control period the powers contained in section 19 (requirements for those subject to banning orders to report to police station and surrender passport) and section 21A and 21B (powers to detain and refer to a court) of the 1989 Act are exercisable. These summary police powers provide a long stop measure enabling the police to prevent a known troublemaker from travelling before the local force has had the opportunity to seek a banning order from the court. Section 21B of the 1989 Act empowers the police to issue a notice to an individual if there are reasonable grounds for suspecting that he has caused or contributed to violence or disorder in the United Kingdom or elsewhere, and if there are reasonable grounds to believe that imposing a banning order would help to prevent violence or disorder at or in connection with any of the matches comprised in the tournament.

7.2 The notice requires the individual to appear before a magistrates' court within 24 hours and in the meantime not to leave England and Wales. The magistrates' court will then treat the notice as an application for a banning order under the section 14B "on complaint" procedure.

7.3 Police have used their powers under section 21B proportionately. During the Euro 2004 control period, 56 section 21B notices were issued. This resulted in 55 banning orders imposed, with one banning order refused by the court.

7.4 To assist police enforce the control period effectively, it will start ten days before the tournament's first match, rather than five days, as provided for in section 22A(2).

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact upon business, charities or voluntary bodies.

9. Contact

Martin Gooday at the Home Office Tel: 0207 035 1815 or e-mail: martin.gooday@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.